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THE MINING LAWS  
— OF THE —  
STATE OF CALIFORNIA

1849 to 1897

— BY —  
**FREDERIC HALL**

— AUTHOR OF —  
“HALL'S MEXICAN LAW.”

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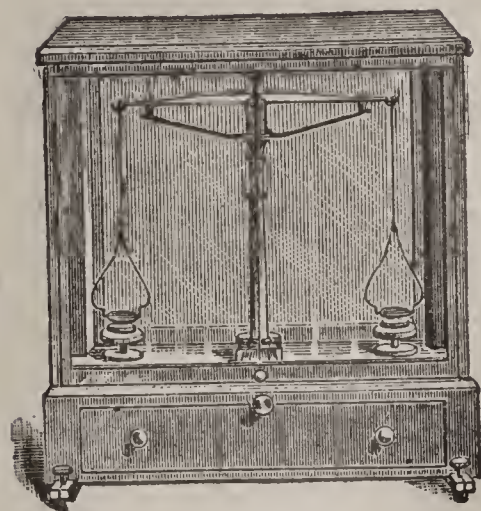
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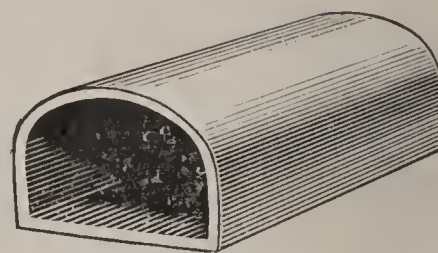
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# THE MINING LAWS OF THE STATE OF CALIFORNIA.

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## CHAPTER CXXVIII.

An Act Concerning Corporations.  
[Passed April 22, 1850.]

The People of the State of California,  
represented in Senate and As-  
sembly, do enact as follows:

### CHAPTER 5

Companies for Manufacturing, Mining,  
Mechanical, or Chemical Purposes.

At any time hereafter, any three or more persons, who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical, or chemical business, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the Clerk of the County in which the business of the company shall be carried on, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of said company, and the objects for which the company shall be formed, the amount of the capital stock of said company, the time of its existence, not to exceed fifty years, the number of shares of which the said company shall consist of the number of trustees and their names, who shall manage the concerns of the company for the first year, and the names of the town and county in which the operations of the said company are to be carried on.

When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body poli-

tic and corporate, in fact and in name, by the name stated in such certificate, and they shall, by their corporate name, be capable, in law, of purchasing, holding and conveying any real and personal estate whatever, which may be necessary to enable the said company to carry on their operations named in such certificate, but shall not mortgage the same nor give any lien thereon.

The stock, property and concerns of such company shall be managed by not less than three nor more than nine trustees, who shall respectively be stockholders in such company and citizens of the United States, and a majority of whom shall be citizens of this state, who shall, except the first year, be annually elected by the stockholders, at such time and place as shall be directed by the laws of the company and public notice of the time and place of holding such election shall be published, not less than ten days previous thereto, in the newspaper printed nearest to the place where the operations of said company shall be carried on; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot and each stockholder shall be entitled to as many votes as he owns shares of stock in the said company, and the persons receiving the greatest number of votes shall be trustees; and when any vacancy shall happen among the trustees, by death, resignation or otherwise, it shall be filled, for the remainder of the year, in such manner as may be provided for by the by-laws of the said company.

In case it shall happen, at any time, that an election of trustees shall not be made on the day designated by the by-laws of said company, when it ought to have been made, the company, for that reason, shall not be dissolved; but it shall be lawful, on any other day, to hold an election for trustees in such manner as shall be provided for by the said by-laws, and all acts of trustees shall be valid and binding against such company until their successors shall be elected.

There shall be a president of the company, who shall be designated from the number of the trustees, and also such subordinate officers as the company, by its by-laws, may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company, by its by-laws, may require.

It shall be lawful for the trustees to call in and demand from the stockholders respectively all such sums of money by them subscribed at such times and in such payments or installments as the trustees shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if a personal demand or notice requiring such payment shall have been published for six successive weeks in the newspaper nearest to the place where the business of the company shall be carried on as aforesaid.

The trustees of such company shall have power to make such prudential by-laws as they shall deem proper for the management and disposition of the stock and business affairs of such company, not inconsistent with the laws of this State, and prescribing the duties of officers, artificers and servants that may be employed; for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of such company.

The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for such company to use any of their funds in the purchase of any stock in any other corporation.

The copy of any certificate of incorporation filed in pursuance of this Act, certified by the County Clerk or his deputy to be a true copy, and of the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein contained.

The President and a majority of the trustees, within thirty days after the payment of the last installment of the capital stock, so fixed and limited by the company, shall make a certificate, stat-

ing the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the President and a majority of the trustees; and shall, within the said thirty days, record the same in the office of the County Clerk of the county wherein the business of the said company is carried on.

Every such company shall annually, within twenty days from the first day of January, make a report which shall be published in the town, city or village, or if there is no newspaper in said town, city or village, then in some newspaper published nearest the place where the business of the company is carried on, which shall state the amount of capital and the proportion actually paid in, and the amount of its existing debts, which report shall be signed by the President and a majority of the trustees, and shall be verified by the oath of the President or Secretary of said company, and filed in the office of the County Clerk of the county where the business of the company shall be carried on; and if any of said companies shall fail so to do, all the trustees of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made.

If the trustees of any such company shall declare and pay a dividend when the company is insolvent, or any dividend the payment of which shall render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall thereafter be contracted, while they shall respectively continue in office; Provided, that if any of the trustees shall object to the declaring of such dividend or to the payment of the same, and shall at any time before the time fixed for the payment thereof, file a certificate of their objection in writing with the clerk of the company, and with the County Clerk, they shall be exempt from the said liability.

Nothing but money shall be considered as payment of any part of the capital stock, and no loan of money shall be made by any such company to any stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan, and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

If any certificate or report made, or public notice given, by the officers of any such company, in pursuance of the provisions of this Chapter, shall be false in any material representation, all the officers who have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.



No person holding stock in any such company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company; but the person so pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estates and funds in the hands of the executor, administrator, guardian or trustee shall be liable in like manner, and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been if he had been living and competent to act, and held the same stock in his own name.

Every such executor, administrator, guardian or trustee, shall represent the share of stock in his hands at all meetings of the company, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid may, nevertheless, represent the same at all such meetings, and may vote accordingly, as stockholder.

The stockholder of any company organized under the provisions of this Chapter, shall be, jointly and severally, individually liable for all debts that may be due and owing to all their laborers, servants and apprentices, for services performed for such corporation.

Any company which may be formed under this Chapter may increase or diminish its capital stock by complying with the provisions of this Chapter, to any amount which may be deemed sufficient and proper for the purposes of the corporation, and may also extend its business to any other manufacturing, mining or chemical business, subject to the liabilities and provisions of this Chapter. But, before any corporation shall be entitled to diminish its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amounts of debts and liabilities shall be satisfied and reduced, so as not to exceed such diminished amount of capital.

Whenever any company shall desire to call a meeting of the stockholders, for increasing or diminishing the amount of capital stock, or for extending or changing its business, it shall be the duty of the trustees to publish a notice, signed by at least a majority of them, in a newspaper in the county, if any shall be published therein, at least three successive weeks, and to deposit a written or printed copy thereof in the post-office, addressed to each stockholder, at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital, and the business to which the company would be extended

or changed; and a vote of at least two-thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of its capital stock, or the extension or change of its business as aforesaid.

If, at any time and place specified in the notice provided for in the preceding section of this Chapter, stockholders shall appear in person, or by proxy, in number representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the trustees chairman of the meeting, and also a suitable person secretary, and proceed to a vote of those present, in person or by proxy, and if, on canvassing the votes, it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, or of extending or changing its business as aforesaid, a certificate of the proceedings, showing a compliance with this Chapter, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts or liabilities of the company, and the amount to which the capital shall be increased or diminished, shall be made out, signed and verified by the affidavit of the Chairman, and be countersigned by the Secretary, and such certificate shall be acknowledged by the Chairman and filed, as required by the first section of this Chapter; and, when so filed, the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid, as the case may be.

If the indebtedness of any such company shall at any time exceed the amount of its capital stock, the trustees of such company assenting thereto, shall be personally and individually liable for such excess to the creditors of such company.

No stockholder shall be personally liable for the payment of any debt contracted by any company formed under this Chapter, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt shall be brought against such company, within one year after the debt shall become due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in any such company for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

It shall be the duty of the trustees of every such corporation, or company, to cause a book to be kept by the treasurer or clerk thereof, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been, stockholders of such company, and show-



ing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, and the amount of stock actually paid in; which book, during the usual business hours of the day, on every day except Sunday and the Fourth of July, shall be open for the inspection of stockholders and creditors of the company, and their personal representatives, at the office or principal place of business of such company, in the county where its business operations shall be located; and any and every such stockholder, creditor or representative, shall have a right to make extracts from such book, and no transfer of stock shall be valid for any purpose whatever except to render the person to whom it shall be transferred, liable for the debts of the company, according to the provisions of this Act, until it shall have been entered therein, as required by this Section, by an entry showing to and from whom transferred. Such book shall be presumptive evidence of the facts therein stated in favor of the plaintiff, in any suit or proceeding against such company, or against any one or more stockholders.

Every officer or agent of any such company who shall neglect to make proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, as provided by this Section, shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured a penalty of fifty dollars for such neglect or refusal, and all the damages resulting therefrom; and every company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit to the people a sum of fifty dollars, for every day it shall so neglect, to be sued for and recovered, in the name of the People, by the District Attorney of the District in which the business of such corporation shall be located, and when so recovered, the amount shall be paid into the Treasury of such county for the use thereof.

## CHAPTER LXV.

### An Act.

To Provide for the Formation of Corporations for certain purposes.

[Approved April 14, 1853.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Corporations for manufacturing, mining, mechanical, or chemical purposes, or for the purpose of engaging in any species of trade or commerce, foreign or domestic, may be formed according to the provisions of this Act; such being subject to all the conditions and liabilities herein imposed, and to none others.

Sec. 2. Any three or more persons, who may desire to form a company for any one or more of the purposes specified in the preceding section, may make, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the company, the objects for which the company shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years, the number of shares of which the stock shall consist, the number of trustees and their names who shall manage the concerns of the company for the first three months, and the names of the city or town and county in which the principal place of business of the company is to be located.

Sec. 3. A copy of any certificate of incorporation, filed in pursuance of this Act, and certified by the County Clerk of the county in which it is filed, or his deputy, or by the Secretary of State, shall be received in all courts and places as presumptive evidence of the facts therein stated.

Sec. 4. When the certificate shall have been filed, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, and in fact and in name, by the name stated in the certificate, and by their corporate name have succession for the period limited, and power: First, to sue and be sued in any court; Second, to make and use a common seal, and alter the same at pleasure; Third, to purchase, hold, sell, and convey such real and personal estate as the purposes of the corporation shall require; Fourth, to appoint such officers, agents and servants as the business of the corporation shall require—to define their powers, prescribe their duties, and fix their compensation; Fifth, to require of them such security as may be thought proper for the fulfilment of their duties, and to remove them at will, except that no trustee shall be removed from office unless by a vote of two-thirds of the whole number of trustees, or by a vote of a majority of the trustees, upon a written request signed by stockholders of two-thirds of the whole stock; Sixth, to make by-laws not inconsistent with the laws of the State for the organization of the company, the management of its property, the regulation of its affairs, the transfer of its stock, and for carrying on all kinds of business within the objects and purposes of the company.

Sec. 5. The corporate powers of the corporation shall be exercised by a board of not less than three trustees, who shall be stockholders in the company, and a majority of them citizens of the United States and residents of this State, and who shall, after the expiration



of the term of the trustees first selected be annually elected by the stockholders at such time and place, and upon such notice and in such mode as shall be directed by the by-laws of the company; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he owns shares of stock; and the persons receiving the greatest number of votes shall be trustees. When any vacancy shall happen among the trustees by death, resignation, or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the company.

Sec. 6. If it should happen, at any time, that an election of trustees shall not be made on the day designated by the by-laws of the company, the corporation shall not for that reason be dissolved, but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided for by the by-laws of the company; and all acts of trustees shall be valid and binding upon the company until their successors shall be elected.

Sec. 7. A majority of the whole number of trustees shall form a board for the transaction of business, and every decision of a majority of the persons duly assembled as a board, shall be valid as a corporate Act.

Sec. 8. The first meeting of the trustees shall be called by a notice, signed by one or more of the persons named trustees in the certificate, setting forth the time and place of the meeting, which notice shall either be delivered personally to each trustee, or published at least ten days in some newspaper of the county in which is the principal place of business of the corporation, or if no newspaper be published in the county, then in some newspaper nearest thereto.

Sec. 9. The stock of the company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid, except between the parties thereto, until the same shall have been so entered upon the books of the company, as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer.

Sec. 10. The trustees shall have power to call in and demand from the stockholders the sums by them subscribed, at such times and in such payments or installments as they may deem proper. Notice of each assessment shall be given to the stockholders personally, or shall be published once a week for at least four weeks in some newspaper published at the place designated as the principal place of business of the corporation, or if none is published there, in some newspaper nearest to such place. If, after such notice has been given, any stockholder shall make default in the payment of the assessments upon the shares

held by him, so many of such shares may be sold as will be necessary for the payment of the assessment on all the shares held by him. The sale of said shares shall be made as prescribed in the by-laws of the company; Provided, that no sale shall be made except at public auction to the highest bidder, after a notice of thirty days, published as above directed in this section; and that at such sale the person who will agree to pay the assessment so due, together with the expense of advertisement and the other expenses of sale for the smallest number of whole shares, shall be deemed the highest bidder.

Sec. 11. Whenever any stock is held by any person as executor, administrator, guardian or trustee, he shall represent such stock at all meetings of the company, and may vote accordingly as a stockholder.

Sec. 12. Any stockholder may pledge his stock by a delivery of the certificates or other evidence of his interest, but may nevertheless represent the same at all meetings, and vote accordingly as a stockholder.

Sec. 12. It shall not be lawful for the trustees to make any dividend except from the surplus profits arising from the business of the corporation; nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company; nor to reduce the capital stock, unless in the manner prescribed in this Act; and in case of the violation of any of the provisions of this section, the trustees, under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of trustees at the time, or were not present when the same did happen, shall, in their individual and private capacities, be jointly and severally liable to the corporation, and the creditors thereof, in the event of its dissolution, to the full amount so divided, withdrawn, paid out, or reduced; Provided, that this section shall not be construed to prevent a division and distribution of the capital stock of the company, which shall remain after the payment of all its debts, upon the dissolution of the corporation or the expiration of its charter.

Sec. 14. The total amount of the debts of the corporation shall not at any time exceed the amount of the capital stock actually paid in; and in case of any excess, the trustees under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of trustees at the time, and except those who were not present when the same did happen, shall, in their individual and private capacities, be liable jointly and severally to the said corporation, and in the event of its dissolution, to any of the creditors thereof, for the full amount of such excess.



Sec. 15. No corporation organized under this Act, shall, by any implication or construction, be deemed to possess the power of issuing bills, notes, or other evidences of debt for circulation as money.

Sec. 16. Each stockholder shall be individually and personally liable for his portion of all the debts and liabilities of the company, contracted or incurred during the time that he was a stockholder. For the recovery of which, joint or several actions may be instituted and prosecuted.

Sec. 17.—No person holding stock as executor, administrator, guardian, or trustee, or holding it as collateral security or in pledge, shall be personally subject to any liability as a stockholder of the company; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of the executor, administrator, guardian, or trustee, shall be liable in like manner to the same extent as the testator or intestate, or the ward or person interested in the trust fund would have been, if he had been living and competent to act and hold the stock in his own name.

Sec. 18.—It shall be the duty of the trustees of every company incorporated under this Act, to cause a book to be kept containing the names of all persons, alphabetically arranged, who are or shall become stockholders of the corporation, and showing the number of shares of stock held by them respectively and the time when they respectively became the owners of such shares; which book, during the usual business hours of the day, on every day except Sunday and the Fourth of July, shall be open for the inspection of stockholders and creditors of the company at the office or principal place of business of the company; and any stockholder or creditor shall have the right to make extracts from such book, or to demand and receive from the clerk or other officer having charge of such book, a certified copy of any entry made therein; such book or certified copy of any entry shall be presumptive evidence of the facts therein stated, in any action or proceeding against the company, or against any one or more stockholders.

Sec. 19. If the clerk or other officer having charge of such book shall make any false entry, or neglect to make any proper entry therein, or shall refuse or neglect to exhibit the same or to allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of any entry therein, as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured a penalty of one hundred dollars, and all damages resulting therefrom; and for neglecting to keep such books for inspection as aforesaid, the corporation shall forfeit to the people the sum of one hundred dol-

lars for every day it shall so neglect—to be sued for and recovered in the name of the people by the District Attorney of the county in which the principal place of business of the corporation is located.

Sec. 20. Any company incorporated under this Act, may, by complying with the provisions herein contained, increase or diminish the capital stock to any amount which may be deemed sufficient and proper for the purpose of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the sum to which the capital is proposed to be diminished, such amount shall be satisfied and reduced, so as not to exceed the diminished amount of capital.

Sec. 21. Whenever it is desired to diminish or increase the amount of capital stock, a meeting of the stockholders may be called by a notice signed at least by a majority of the trustees, and published for at least four weeks in some newspaper published in the county where the principal place of business of the company is located, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase or diminish the capital; and a vote of two thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of the capital stock.

Sec. 22. If at any meeting so called, a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, a certificate of the proceedings, showing a compliance with these provisions, the amount of capital actually paid in, the whole amount of the debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman and secretary of the meeting, certified by a majority of the trustees, and filed, as required by the second section of this Act; and when so filed, the capital stock of the corporation shall be increased or diminished to the amount specified in the certificate.

Sec. 23. Upon the dissolution of any corporation formed under this Act, the trustees at the time of the dissolution shall be trustees of the creditors and stockholders of the corporation dissolved, and shall have full power and authority to sue for and recover the debts and property of the corporation, by the name of trustees of such corporation, collect and pay the outstanding debts, settle all its affairs, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses.

Sec. 24. Any corporation formed under this Act may dissolve and dis-incorporate itself by presenting to the County Judge of the county in which the meetings of



the trustees are usually held, a petition to the effect, accompanied by a certificate of its proper officers, and setting forth, that at a general or specified meeting of the stockholders called for that purpose, it was decided by a vote of two-thirds of all the stockholders to disincorporate and dissolve the corporation; notice of the application shall then be given by the clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which it is to be heard, and shall be published in some newspaper of the county once a week for four weeks, or if no newspaper is published in the county, by advertisement posted up for thirty days in three of the most public places in the county. At the time and place appointed, or at any other to which it may be postponed by the judge, he shall proceed to consider the application, and, if satisfied that the corporation has taken the necessary preliminary steps, and obtained the necessary vote to dissolve itself, and that all claims against the corporation are discharged, he shall enter an order declaring it dissolved.

Sec. 25. The fifth chapter of an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, is repealed; but this repeal shall not be construed to destroy the existence of any company already formed under the provisions of said chapter, nor to affect any right acquired or liability incurred under the same; but as to all such companies, the provisions of said chapter shall continue in full force, except in those instances in which any company hereafter incorporated may avail itself of the provisions of the next section of this Act.

Sec. 26. Any company incorporated under the said fifth chapter of an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, may continue its corporate existence under this Act by adopting a resolution to that effect by a vote of two-thirds of all the stockholders, and filing a certificate thereof, signed by its proper officers in the office of the Secretary of State and of the County Clerk of the county in which is located the principal place of business of the corporation. From the time of filing the certificate the corporation shall be subject only to the provisions of this Act, but the change so made shall not affect any right acquired or liability incurred previously by the corporation.

Sec. 27. Corporations formed under this Act, and the members thereof, shall not be subject to the conditions and liabilities contained in an Act entitled "An Act concerning Corporations," passed April twenty-second, one thousand eight hundred and fifty.

## CHAPTER CXIX.

### An Act

To protect Owners of Growing Crops, Buildings, and other Improvements in the Mining Districts of this State.

[Approved April 25, 1855.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. No person shall claim for mining purposes, destroy or injure any growing crops of grain or garden vegetables growing upon the mineral lands of this State, nor undermine or injure any house, building or improvement, or fruit trees, standing upon mineral lands and the property of another, except as hereinafter provided.

Section 2. Whenever any person, for mining purposes, shall desire to occupy or use any mineral lands of this State, then occupied by such growing crops of grain, garden vegetables, fruit trees, or other garden vegetables, fruit trees, houses, buildings or other improvements, property of another, such person shall first give bond to the owner of the growing crop, building, fruit trees or other improvement, to be approved by a Justice of the Peace of the Township, with two or more sufficient sureties, in a sum to be fixed by three disinterested citizens, householders of the township, one to be selected by the obligor, one by the obligee, and one by a Justice of the Peace of the township, conditional that the obligor shall pay to the obligee, any and all damages which said obligee may sustain in consequence of the destruction by the obligor, or those in his employ, of the growing crops, fruit trees, improvements or buildings of the obligee: provided, that the word improvements in this Act shall be construed to mean any superstructure on said farm, ranch or garden, and nothing more.

## CHAPTER CLXII.

### An Act

To amend an Act entitiled "An Act to provide for the formation of Corporations for certain purposes," passed April 14th, 1853.

[Approved April 30th, 1855]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section first of said Act is amended so as to read as follows: Corporations for manufacturing, mining, mechanical, wharfing and dockage or chemical purposes, or for the purpose of engaging in any species of trade or commerce, foreign or domestic, may be formed according to the provisions of this Act: such corporations and members thereof being subject to all the conditions and liabilities herein imposed and to none others.



## CHAPTER CX

An Act  
Supplementary to an Act entitled  
an Act to provide for the Formation of  
Corporations for certain purposes,  
passed April 14th, 1853.

[Approved March 27, 1857.]

The People of the State of California, re-  
presented in Senate and Assembly,  
do enact as follows:

Section 1. It shall be the duty of the Trustees of every Company, incorporated under this Act, for the purpose of ditching, mining, or conveying water for mining purposes, to cause a book to be kept, containing the names of all persons, alphabetically arranged, who are, or shall become stockholders of the Corporation, and showing the number and designation of shares of stock held by them respectively, and the time when they respectively became the owners of such shares; also a book or books, in which shall be entered at length, in a plain and simple manner, all by-laws, orders and resolutions of the Company and Board of Trustees, and the manner and time of their adoption, which books, during the business hours of the day, Sundays and Fourth of July excepted, shall be open for the inspection of stockholders and the creditors of the company, each individual stockholder, and their duly authorized agents and attorneys, at the office or principal place of business of the company. Provided, that the office and books of every such Company shall be kept, and the books of the Company shall be open, as aforesaid, in the county in which their business is transacted, and every stockholder or creditor, as aforesaid, or their agents, or attorneys, shall have the right to make extracts from such books, or upon payment of reasonable clerk's fees therefore, to demand and receive from the clerk, or other officer having charge of such books, a certified copy of any entry made therein; such book or certified copy of any entry, shall be presumptive evidence of the facts therein stated, in any action or proceeding against the Company, or any one or more stockholders.

Sec. 2. If the clerk or other officer having charge of such books, shall make any false entry, or neglect to make any proper entry therein, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of any entry therein, as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured, a penalty of two hundred and one dollars, and all damages resulting therefrom, to be recovered in any court of competent jurisdiction in this State; and for neglect to keep such books for inspection, and at the place provided for in the last section, the Corporation shall forfeit to the People of the State of California the sum of two hundred and one dollars for every

day they shall so neglect; to be sued for and recovered before any court of competent jurisdiction in the county in which the principal business of such Company is transacted; and it shall be the duty of the District Attorney, within and for such county, to prosecute such action, in the name of and for the benefit of the People of the State of California.

And it is further provided, that in case any such incorporated Company shall refuse or neglect, for the space of one full year after the passage of this Act, to comply with the provisions of this and the preceding section then upon the showing of such facts, by petition of any person aggrieved thereby, and due proof thereof, before the county judge of the county in which such Company's principal business is transacted, after such Company shall have been duly notified thereof, by summons to be issued by said Judge, citing such Company to appear before such Judge, at a time and place therein mentioned, which shall not be less than ten nor more than thirty days from the date of such summons, such Company shall, by said Judge, be declared and decreed to be disincorporated, so far as to deprive said Company of all the privileges of this Act, but in no manner to affect the remedy of all persons against such company, to be exercised as this Act provides. Provided, that nothing contained in the provisions of this section, concerning the disincorporating of such Companies, shall be so construed as to prevent the enforcement of the other remedies in this section mentioned, at any time after the passage of this Act, except as herein provided.

## CHAPTER CLXXXI.

An Act amendatory of and supplementary to an Act entitled, "An Act to provide for the formation of Corporations for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three, and "An Act entitled an Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three, passed April thirtieth, one thousand eight hundred and fifty-five.

[Approved April 10, 1858.]

The People of the State of California, represented in Senate and Assembly,  
do enact as follows:

Section 1. That section one of an Act entitled "An Act to provide for the formation of Corporations for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three, be and the same is hereby amended so as to read as follows:

Section one—Corporations for manufacturing, mining, mechanical, wharfing and dockage, chemical, or agricultural



purposes, or for the purpose of engaging in any species of trade or commerce, foreign or domestic, may be formed according to the provisions of this Act; such corporations and members thereof being subject to all the conditions and liabilities herein imposed, and to none others; Provided, that nothing in this section shall be so construed as to authorize a company formed under it to own or hold possession of more than fourteen hundred and forty acres of land, or to authorize an individual member of such company or association, in his corporate capacity to hold, own, or possess a number of acres to exceed eighty:

And Provided, further, that no corporation formed under the provisions of said Act of April fourteenth, one thousand, eight hundred and fifty-three, except those formed for agricultural purposes, shall own or hold possession of more real estate than shall be actually necessary for the prosecution of the business for which it was incorporated; and Provided, further, that no corporation formed for agricultural purposes shall be allowed to hold any mineral lands under the provisions of this Act.

Sec. 2. Provided that no contract, valid in law, or right sacred in equity, shall be impaired by the retroactive force of this section; Provided, that nothing in this section shall be so construed as to authorize a company formed under it to own or hold possession of more than fourteen hundred and forty acres of land.

#### CHAPTER XCVIII.

An Act Amendatory and Supplemental to an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three.

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section second of said Act is hereby amended so as to read as follows:

Section second—Any three or more persons who may desire to form a company for any one or more of the purposes specified in the preceding section, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file, in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and a certified copy thereof, under the hand of the Clerk, and seal of the County Court of said county, in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the company, the objects for which the company shall be formed, the amount of its capital stock, the time of its existence,

not to exceed fifty years, the number of shares of which the stock shall consist, the number of Trustees and their names, who shall manage the concerns of the company for the first three months, and the names of the City, or Town, and County, in which the principal place of business of the company is to be located.

Sec. 2. All corporations heretofore formed under the provisions of this Act of which this is amendatory, who have filed a certified copy of the certificate in writing, required to be executed in the first section of this Act, in the office of the Secretary of State, shall, to all intents and purposes, be as legally incorporated as though a duplicate thereof had been filed in the office of the said Secretary of State, and all acts heretofore done by such companies, under their corporate name, in conformity to the laws governing corporations in this State, are hereby made lawful acts.

#### CHAPTER CCXII.

An Act to provide for the conveyance of Mining Claims.

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Conveyances of mining claims may be evidenced by bills of sale or instruments in writing not under seal, signed by the person from whom the estate or interest is intended to pass, in the presence of one or more attesting witnesses; and also all conveyances of mining claims heretofore made by bills of sale or instruments in writing, not under seal shall have the same force and effect as prima facie evidence of sale, as if such conveyance had been made by deed under seal; Provided, that nothing in this Act shall be construed to interfere with or repeal any lawful local rules, regulations, or customs, of the mines in the several mining districts of this State; and, Provided further, every such bill of sale or instrument in writing shall be deemed and held to be fraudulent and void as against all persons except the parties thereto, unless such bill of sale or instrument in writing be accompanied by an immediate delivery to the purchaser of the possession of the mining claim or claims therein described, and be followed by an actual and continued change of the possession thereof, or unless such bill of sale or instrument in writing shall be acknowledged and recorded as required by law in the case of conveyances of real estate.

Sec. 2. This Act shall apply to gold mining claims only.

Sec. 3. This Act shall be in force and take effect from and after its passage.



## CHAPTER LI.

An Act in reference to Corporations organized in this State for the purpose of Mining out of this State.

[Approved March 5, 1861.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. That it may be lawful for any corporation organized in this State, under the laws of this State, for the purpose of mining, or carrying on mining operations, without this State, whose business office is in this State, to levy assessments upon the capital stock thereof to pay the debts, future or present, of said corporation, or to carry on the business of said corporation; Provided, the same shall be equal and uniform, and at no one time exceed five per cent. of the capital stock, and such levy or assessment, shall constitute a valid and binding obligation upon the holders of such stock to pay the sum so assessed against the stock so held. Notice of each such call or assessment, shall be given to the respective stockholders personally, or shall be published once a week for at least four weeks in some newspaper published at the place designated as the principal place of business of the corporation, and also in some newspaper published nearest to the point where said mining operations are being carried on. If, after such notice has been given, any stockholder shall make default in the payment of such call, or assessment, as to the shares of stock held by him, so many of such shares may be sold as will be necessary for the payment of the call, or assessment, on the shares held by him.

The sale of said shares shall be made as prescribed in the by-laws of the company; Provided, that no sale shall be made except at public auction to the highest bidder, after a published notice of thirty days, published as above directed; and, that at such sale the person who will agree to pay the call, or assessment so due, together with the expense of advertisement and the other expenses of the sale for the smallest number of whole shares, shall be deemed the highest bidder.

Sec. 2. This Act shall take effect from and after its passage.

## CHAPTER LXXXIX.

An Act to repeal Section Second of an Act entitled an Act to provide for the Conveyance of Mining Claims, approved April thirteenth, eighteen hundred and sixty.

[Approved March 26, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section second of said Act is hereby repealed.

## CHAPTER CDLX.

An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

[Approved April 27, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen of said Act is hereby amended so as to read as follows:

Section 16. Each stockholder shall be individually and personally liable for his portion of all the debts and liabilities of the company contracted or incurred during the time that he was a stockholder, for the recovery of which joint or several actions may be instituted and prosecuted. In any such action, whether joint or several, it shall be competent for the defendant or defendants, or any or either of them, on the trial of the same, to offer evidence of the payment by him, or them, or either of them, of any debts or liabilities of such corporations, and upon proof of such payment, the same shall be taken into account and credited to the party or parties making such payment, and judgment shall not be rendered against the party or parties defendant proving such payment for a sum exceeding the amount of his or their proportion of the debts and liabilities of such incorporations, after deducting therefrom the sums proven to have been paid by him, them, or any or either of them, on account thereof.

Sec. 2. This Act shall take effect and be in force from and after its passage.

## CHAPTER LXXVI.

An Act to Authorize Mining Companies or Corporations to change their principal Place of Business.

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Any mining company or corporation lawfully organized and incorporated for mining purposes within the State of California, may change its office or principal place of business by first obtaining the consent in writing, of the stockholders representing two-thirds of all the capital stock of the company; Provided, that notice of such intended change, after such consent shall have been obtained, shall be inserted for thirty days in some newspaper published at or nearest the principal place of business of said mining company or corporation, designating the County or City and County to which it is intended to remove, before such removal shall be deemed lawful.

Sec. 2. Any mining company or corporation availing itself of the privileges of this Act, upon filing in the office of the County Clerk of the county or city and



county to which a removal is intended to be made a certified copy of its articles of incorporation, together with a certificate of the Trustees of the company or corporation, under the seal thereof, that the requirements of section one of this Act have been fulfilled, shall, from the time of such filing, be vested with all the powers in its new place of business which it might or could have exercised if originally incorporated in the county to which its office or principal place of business shall be removed.

Sec. 3. This Act shall not be so construed as to authorize any mining company or corporation to remove its office or principal place of business out of the State.

Sec. 4. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall take effect and be in force from and after its passage.

#### CHAPTER XCI.

An Act supplementary to the Act entitled an Act to amend an Act defining the time for commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three.

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. No action for the recovery of property in mining claims, or for the recovery of the possession thereof, shall be maintained unless it appears that the Plaintiff, his ancestor, predecessor, or grantor, was seized or possessed of the premises in question within two years before the commencement of this action.

Sec. 2. No cause of action or defense to an action founded upon the title to property in mining claims, or to the rents or profits out of the same, shall be effectual unless it appear that the person prosecuting the action or making the defense, or under whose title the action is prosecuted or the defense is made, or the ancestor, predecessor, or grantor of such person, was seized or possessed of the premises in question within two years before the commencement of the Act in respect to which such action is prosecuted or defense made.

Sec. 3. This Act shall take effect from and after its passage.

#### CHAPTER CLIII.

An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, April fourteenth, eighteen hundred and fifty-three, and also to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred

and fifty-three, approved April thirtieth, eighteen hundred and fifty-five.

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section first of each of said Acts is amended so as to read as follows:

Section 1. Corporations for manufacturing, mining, mechanical, mercantile, wharfing and docking, or chemical purposes, or for the purpose of engaging in any other species of trade, business, or commerce, foreign or domestic, may be formed according to the provisions of this Act; such corporations and the members thereof being subject to all the conditions and liabilities herein imposed, and to none others.

Sec. 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

#### CHAPTER CCCLXXIX.

An Act to authorize Corporations organized in this State for the purpose of mining in or without this State to establish and maintain Transfer Agencies in other States.

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. That it may be lawful for any corporation organized in this State for the purpose of mining or carrying on mining operations in or without this State to establish and maintain agencies in other States of the United States for the transfer and issuance of their stock, and a transfer or issuance of (the) same at any such transfer agency, in accordance with the provisions of this statute, shall be valid and binding and as fully and effectually so for all purposes as if made upon the books of such corporation at its principal office within this State.

Sec. 2. All stock of any such corporation issued at any such transfer agency shall be signed by the President and Secretary of the corporation, and countersigned at the time of its issuance by the Agent or Agents of such corporation having the charge of such transfer agency; and no stock shall be issued at such transfer agency unless the certificate or certificates of stock in lieu of which the same is issued shall at the time of such issuance be surrendered for cancellation.

Sec. 3. The stockholders of any such corporation may pass by-laws for the regulation and conduct of any such transfer agency; Provided, the same be not inconsistent with the provisions of this Act. Any such transfer agency shall at all times be subject to the control of the Trustees of said corporation.

Sec. 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Sec. 5. This Act shall take effect from and after its passage.



## CHAPTER CDXVI.

An Act supplementary to an Act entitled an Act to provide Revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. All provisions of law exempting mining claims from taxation are hereby repealed, so far as they apply to lands or mines in the condition of private property, and granted as such by the Spanish or Mexican government, or the Government of the United States, or of this State.

## CHAPTER CCCXVII.

An Act to provide for the summary sale of mines or mining interests belonging to the estates of deceased persons.

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever it shall appear from the inventory of the estate of any deceased person that said estate consists in whole or in part of any mines or interest in mines, or of shares, interests or stocks in any mining corporation, such mines, interests, stocks or shares may be sold under the order of the Probate Court having jurisdiction of said estate, and as hereinafter provided.

Sec. 2. The executor, administrator, or any heir at law of such estate, any creditor having a claim against the estate, any partner or member of any mining company in which such interests or shares are held, the President of any mining corporation in which stocks or shares are held or owned by such estate, may file in the Probate Court a petition in writing, setting forth therein the general facts of such estate being then in due course of administration, and particularly describing the mine, interest, stock or shares owned by such estate, and which it is desired to sell. Such petition shall further set forth particularly the condition and situation of the mines, mining interests, or of the mining company or corporation in which such interests or shares are held, and especially the reasons for such sale.

Sec. 3. Upon the presentation of such petition, the Probate Judge shall make an order directing all persons interested to appear before him at a time and place specified, not less than four nor more than ten weeks from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell such mines, mining interests, shares, or stocks, as are set

forth in such petition and as belong to such estate. A copy of such order to show cause shall be personally served on all persons interested in the estate at least ten days before the time appointed for hearing the petition, or shall be published at least four successive weeks in such newspaper as the Court shall order; Provided, however, if all persons interested in the estate shall signify in writing their assent to such sale, the notice may be dispensed with.

Sec. 4. If, upon the hearing of such petition, it shall appear to the satisfaction of the Probate Judge that it is to the interest of the estate that such mining property or interests of the estate should be sold, or if it be made to appear to his satisfaction that an immediate sale is necessary in order to secure the just rights or interests of the mining partners, tenants in common, or mining corporations in which such mining shares, stocks, or property are held, such Probate Judge shall thereupon make an order of sale authorizing the executor or administrator to sell such mining interests, mines, stocks, or shares, as hereinafter provided.

Sec. 5. After such order of sale shall be made by the Probate Judge, all further proceedings for the sale of such mining property shall be in conformity with the laws providing for the sale of other real property under the orders of the Probate Court. And whenever such mining interest shall consist of stocks or shares held and owned as personalty, such further proceedings shall be in conformity with the law providing for the sale of the other personal property of an estate.

## CHAPTER DC.

An Act entitled an Act concerning partnership for mining purposes.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever any two or more persons, being owners, occupants, or locators of any mining claim, or when any two or more persons shall have associated themselves together, with or without any written agreement, (but not as a body corporate,) for the purpose of working or prospecting any claim on any of the public lands of the United States, shall, after being notified in writing by any member of said mining company that they have been associated in said mining claim, be deemed to be copartners for the purpose of prospecting or working said mining claim, and shall be subject to the provisions and liabilities imposed by this Act.

Sec. 2. After a mining claim shall have been located, any person who shall be a member of the company, desiring to work



said claim, may notify the other members of the company of his or their desire to have an assessment levied against the owners of said claim for the purpose of prospecting, working, or developing such claim, designating a time and place for a meeting of the members of such company for the purpose of levying such assessment. Such notice shall be given as provided in the fourth section of this Act, and if a majority of the shares in such mining claim be represented at such meeting, then a majority of those present at such meeting shall be authorized to levy such assessment but if a majority of the shares in such company be not represented at such meeting, then a majority of those present shall be authorized to cause the said mining claim to be prospected or worked and thereafter the owners in such mining claim shall be liable for their respective proportion of the expenses so incurred in prospecting, working or developing such claim, to the extent of the value of their interest in such claim; and thereafter assessments may be levied from time to time, not oftener than once in thirty days, by any member not delinquent of said mining company, against delinquent members, for the collection of sufficient amount of assessment to pay for the working and prospecting of such claim up to the time such assessment is made; and such delinquent assessment may be collected as in this Act provided; Provided, that when the mining companies have by-laws designating what amount of work shall be done in such claim, then any assessment made as provided in this Act shall not exceed an amount sufficient to pay for the work required by the by-laws; and, Provided, further, that no new assessment shall be made until all previous assessments have been paid, or the remedies for collection thereof shall have been exhausted.

Sec. 3. Any member of a mining company, or his heirs, executors, administrators, or assigns in any mining claim, who shall neglect or refuse to pay any assessments, or shall neglect to perform any labor or other liability which shall become due from him under this Act, may, after the expiration of thirty days, after such assessment, labor, or other liability has become due, be notified in writing by any remaining member or members, or by his or their agent, that such assessment, labor, or other liability is due, which written notice shall specify the name of such mine and the district wherein it is located, and shall particularly mention the liability which has been incurred.

Sec. 4. Such notice and all other notices required under this Act shall be served as follows:

First—If the party reside in the county where the mine is located, it shall be delivered to him personally or left at his place of residence.

Second—If the party reside out of the county, but within the State, and his place or residence is known, such notice shall be deposited in a Post Office or express office in a sealed envelope, with postage or express charges, as the case may be prepaid, addressed to such party at his place of residence.

Third—If such party reside out of the State, or his place of residence is unknown, such notice shall be published once a week for eight consecutive weeks, in some newspaper published in the county where the mine is located, if there be such paper, otherwise in some newspaper published in an adjoining county.

Sec. 5. If the person so notified shall neglect or refuse to pay or discharge such assessment, work, or liability for ten days after personal service or leaving notice at his residence, when such service has been had or notice so left, or for twenty days after deposit in post or express office of such notice, when such deposit has been made, or until the expiration of the full period of publication herein provided, when publication is made, thereafter such delinquent shall be deemed to have absolutely forfeited and abandoned to the other members of said mining company all the right, title, claim, and interest owned, held or possessed by such delinquent in the said mining claim, or such portion thereof as shall be sufficient to satisfy such delinquency; the remaining member or members may sell the interest of such delinquent member in and to such mining claim, or so much of said interest as may be required to pay such assessment or liability, together with costs of sale.

Sec. 6. All sales under the provisions of this Act shall be at public auction at the mining claim, and shall be made by any constable of the township, auctioneer, or Sheriff of the county, and by giving ten days' notice thereof by posting written notices in three public places within the mining district where such mine is located. The notice shall also specify the extent of the interest of the delinquent, and the amount of the delinquency, and the name of such delinquent member or members, at the time and place of such sale, which place shall be within the district where the mine is located, and shall commence by offering the smallest number of feet or shares in such claim for sale, and continue selling at the same time and place until a sufficient number of feet or shares is sold to pay the delinquent assessment or liabilities, and the officer selling shall execute a deed to the purchaser or purchasers, and such deed shall be received in all Courts as prima facie evidence of the lawful authority of the officer selling, and of the regularity of all proceedings prior to the execution of the deed, and as prima facie evidence that all the right, title and interest of the party delinquent has been lawfully and rightfully sold and convey-



ed to the purchaser; and the purchaser's title to such mining claim shall be absolute.

Sec. 7. The provisions of this Act shall also apply to all persons who have refused or neglected to sign articles of incorporation or a deed of trust in any incorporated mining company.

Sec. 8. An Act entitled an Act concerning copartnerships for mining purposes, approved April fourth, eighteen hundred and sixty-four, is hereby repealed.

Sec. 9. This Act shall take effect from and after its passage.

#### CHAPTER CXCIV.

An Act granting to the mining counties of this State the foreign miners' tax collected in said counties, severally.

[Approved March 16, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. All moneys hereafter collected for foreign miners' license, except when otherwise especially appropriated by law to special use, less the percentage allowed for collection, shall be paid into the County Treasury of the county in which they are collected ten per cent. of which shall be accredited to and become a part of the County School Fund, and the remainder shall be paid into the General Fund of said county.

Sec. 2. Foreign miners' licenses shall be hereafter issued and signed by the County Auditor and countersigned by the District Attorney of the county, and shall be placed in the hands of the County Collector for collection, in the same manner and under like regulations and restrictions as are now provided by law for the collection of foreign miners' licenses upon certificates issued by the Controller of State.

Sec. 3. The County Auditor shall keep a book, in which he shall charge the collector with all licenses issued to him from time to time and credit him with all licenses returned and not sold by him, and also credit him with the percentage due him for collecting, and for all moneys paid into the County Treasury, and said Collector shall be accountable on his bond for any deficiency in his accounting.

Sec. 4. The County Auditor shall make a quarterly report to the Board of Supervisors of the county, of the number of licenses issued to the Collector, the number by him sold for each month, and the amount paid into the General and School

Funds therefor; and he shall require the Collector, on the first Monday of each month, to render his account of sales for the previous month, and to settle his accounts with the county therefor.

Sec. 5. All Acts and parts of Acts in conflict with the provisions of this Act, except Acts heretofore passed granting the Foreign License Funds for counties for specific purposes, are hereby repealed; and in all cases of special grants, said licenses shall be collected in the manner and under the authority of this Act.

Sec. 6. This Act shall take effect sixty days after its passage.

#### CHAPTER CXXXVIII.

An Act amendatory of and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto.

[Approved March 4, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. All corporations and their successors, heretofore formed under the provisions of the Act of which this Act is amendatory, for the purpose of receiving from the members thereof and others, deposits of money, preserving the same from loss, and of finding secure and profitable investment therefor, may receive deposits of money from minors and married women.

Sec. 2. Whenever any deposits shall be made by any minor, the Directors of such Corporation may pay to such depositor such sums as may be due to him or her.

Though no guardian shall have been appointed by or for such minor, or the guardian of such minor shall not have authorized the drawing of the same and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor or the said minor was of full age, and whenever any deposit shall be made in her own name, by any woman being or thereafter becoming married, said Directors may pay such sums as may be due to her, or standing to her credit on the books of such corporation, on her own receipt or acquittance, and such receipt or acquittance shall be as valid as if executed by such married woman jointly with her husband. And any person authorized thereto by resolution of the Board of Trustees or Directors of any corporation, association, or society, having funds deposited or owning stock in any corporation formed for the purposes aforesaid, under the Act of which this is amendatory, shall be entitled to receive such deposit or transfer such stock, and to cast the vote of such corporation, association, or society.



Sec. 3. All receipts or acquittances heretofore executed and delivered to any corporation formed for the purpose aforesaid, under the Act of which this Act is amendatory, by minors or married women,, for money deposited by them in such corporation, or for the dividends thereon, shall be, and are hereby declared to be as valid, legal and binding upon all persons as if said receipts had been executed by the duly appointed guardian of such minor, or jointly, by said married women with their husbands.

#### CHAPTER CCLIV.

An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplement thereto.

[Approved March 24, 1870.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. All corporations formed under the provisions of the Act of which this Act is amendatory, for the purpose of receiving from the members thereof deposits of money and preserving the same from loss, and finding secure and profitable investment therefor (whose term of existence, as fixed by their certificate of incorporation, shall have been less than fifty years), may at any time renew and extend their term of existence for such term as they may deem proper; Provided, however, that the term of such renewal and extension, and the term of their existence, as fixed by their certificate of incorporation, shall not in the aggregate exceed fifty years.

Sec. 2. Such renewal and extension may be made by filing with the County Clerk of the county in which the principal place of business of such corporation is located, and a certified copy thereof in the office of the Secretary of State, a certificate stating their intention and election to renew and extend the term of their existence, and the term of such renewal and extension; which intention and election may be made and declared by the Directors or Trustees, or acting Directors or trustees of such corporation or corporations, or a majority thereof. The certificate stating such intention and election shall be signed by the President and Secretary or Director of such corporation or corporations, and shall be acknowledged before some officer competent to take the acknowledgment of deeds.

Sec. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby declared inoperative so far as they affect this Act.

Sec. 4. This Act shall take effect from and after its passage.

#### CHAPTER CDIV.

An Act to regulate the rights of the owners of mines.

[Approved April 1, 1870]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. The owner or owners of mines or mining claims in this State shall have a right of way for ingress and egress, for all necessary purposes, over and across the land or mining claims of others, as hereinafter prescribed.

Sec. 2. Whenever any mine or mining claim shall be so situated that it cannot be conveniently worked without a road thereto, or a ditch to convey water thereto, or a ditch or cut to drain water therefrom, or without a flume or tunnel thereto, or a place whereon to dump or deposit tailings, and such road, ditch or drain, or such flume or tunnel shall necessarily pass over, across or through or under, and such place of deposit be upon mining claims or other lands owned or occupied by others, then shall such first mentioned owner or owners be entitled to a right of way for such road, ditch, drain, flume or tunnel over, across or through or under, or to such place of deposit upon such other mining claims or lands, upon compliance with the provisions of this Act.

Sec. 3. Whenever the owner or owners of any mine or mining claim shall desire to work the same, and it is necessary to enable him or them to do so conveniently, that he or they should have a right of way for any of the purposes mentioned in the foregoing sections, or that he or they should have a place for dumpage and deposit of tailings, as mentioned in the preceding section, and such right of way or place of deposit shall not have been acquired by private agreement between him or them and the owners or occupants of the claims or lands over, across, under or upon which he or they seek to establish such a right of way or place of deposit, then it shall be lawful for him or them to present to the County Court, or to the County Judge, if the Court be not in session, of the county wherein such mine or claims are situated, a petition, praying that such right of way or place of deposit be awarded to him or them. Such petition shall be verified and shall contain a particular description of the mine or claims of the petitioners and of the claims or lands to be affected by such right or privilege, with the names of the owners or occupants thereof. It shall also show that such right or privilege has not been acquired by private agreement or contract between the respective parties, and shall conclude with a prayer for the allowance thereof by the Court or Judge and the appointment of three Commissioners to assess the damages resulting from such allowance.



Sec. 4. Upon the receipt of such petition and the filing thereof in the office of the Clerk of the County Court, the Court or Judge, as the case may be, shall direct a citation to issue, under the seal of the Court, to the owners named in the petition, of the mining claims or lands to be affected by the granting of such right or privilege, requiring them and each of them to appear before such Court, or the Judge thereof, if the Court be not in session, on a day therein named, which shall be not less than ten days from the service thereof, and show cause why such right or privilege should not be awarded or allowed, and such Commissioners appointed as prayed for. Such citation shall be served on each of the parties therein named, in the manner prescribed by law for the service of summons in ordinary proceedings at law.

Sec. 5. Upon the day named in the citation, or upon any subsequent day to which the hearing may be adjourned, the County Court, or the County Judge, if the Court be not in session, shall proceed to hear the allegations and proofs of the respective parties, and if satisfied that the claims of the petitioners can only be conveniently worked by means of the right of way, privilege, or place of deposit, as prayed for, shall make an order adjudging and awarding to such petitioners such right of way, privilege or place of deposit, and appointing three disinterested persons, residents of the county, as a commission to assess the damages resulting to the owners of mining claims or lands affected thereby.

Sec. 6. The Commissioners so appointed being duly sworn, shall proceed without delay to examine the mine or claims of the person or persons petitioning, as well as the mining claims or lands to be affected by the right or privilege prayed for. They may also bear testimony relative to the value of such mining claims or lands and the damages resulting from such right or privilege, and report in writing the result of their inquiries, to the Court or Judge appointing them. Such report shall designate the course or line and dimensions of the road, ditch, drain, flume or tunnel (as the case may be), or the place of deposit prayed for. It shall further designate the value of the lands to be occupied by or appropriated to and for such right of way or place of deposit, and assign the damages which each of the owners or occupants of mining claims or lands affected by such right or place of deposit shall suffer in consequence thereof.

Sec. 7. Within ten days from the filing of such report, any of the parties concerned in the same may move, for cause shown by affidavit, to set aside the same; and if, upon the hearing of such motion, such Court or Judge shall set aside or vacate such report, a new commission shall be appointed, which shall proceed in all respects as is provided for the first commission. If no motion to set aside the re-

port of the first or any succeeding commission be made as provided in the last section, or if, being made, it is denied, then the same shall be regarded as final, and an order shall be made by the Court or Judge in pursuance thereof.

Sec. 8. Upon the payment of the sum assessed as damages to each of the owners or occupants of claims or lands to whom the same shall have been awarded by the report and order mentioned in the preceding section, then the person or persons petitioning shall be entitled to the right of way or place of deposit, as designated and defined by such report, over or upon the land or claims of the person or persons receiving such compensation, and he or they may, upon making such payment, proceed to occupy the line, route, way or place of deposit so designated, and to erect thereupon such works and structures, and make such excavations, as may be necessary to the use and enjoyment of the right of way or place of deposit so awarded.

Sec. 9. Whenever the owner or owners of any mine or mining claims are desirous, in working the same, to carry off the tailings, and other refuse matter through and along any water course, ravine or natural outlet, which is in whole or in part owned or occupied by other persons for mining or other purposes, then such first mentioned owner or owners may proceed, in the manner herein-after provided, to have such right and privilege awarded to him or them; Provided, nevertheless, that the County Court or Judge shall not make such award or appoint a commission unless such Court or Judge shall be satisfied that the right or privilege sought can be enjoyed without especial injury to those owning or occupying claims or lands along or upon such water course, ravine or outlet.

Sec. 10. All costs and expenses shall be paid by the party making the application, and the Commissioners appointed shall receive five dollars per day for each day actually engaged in the service.

Sec. 11. This Act shall take effect from and after its passage.

## CHAPTER CCCV.

An Act for the protection of miners.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sec. 1. It shall not be lawful for any corporation, association, owner, or owners of any quartz mining claims within the State of California, where such corporation, association, owner, or owners employ twelve men daily, to sink down into such mine or mines any perpendicular shaft or incline beyond a depth from the surface of three hundred feet without providing a second mode of egress from



such mine, by shaft or tunnel, to connect with the main shaft at a depth of not less than one hundred feet from the surface.

Sec. 2. It shall be the duty of each corporation, association, owner, or owners of any quartz mine or mines in this State, where it becomes necessary to work such mines beyond the depth of three hundred feet, and where the number of men employed therein daily shall be twelve or more, to proceed to sink another shaft or construct a tunnel so as to connect with the main working shaft of such mine as a mode of escape from underground accident or otherwise. And all corporations, associations, owner, or owners of mines as aforesaid, working at a greater depth than three hundred feet, not having any other mode of egress from the main shaft, shall proceed as herein provided.

Sec. 3. When any corporation, association, owner or owners of any quartz mine in this State shall fail to provide for the proper egress as herein contemplated, and where any accident shall occur or any miner working therein shall be hurt or injured, and from such injury might have escaped if the second mode of egress had existed, such corporation, association, owner or owners of the mine where the injuries shall have occurred, shall be liable to the person injured in all damages that may accrue by reason thereof; and an action at law in a Court of competent jurisdiction may be maintained against the owner or owners of such mine, which owners shall be jointly or severally liable for such damages. And where death shall ensue from injuries received from any negligence on the part of the owners thereof by reason of their failure to comply with any of the provisions of this Act, the heirs or relations surviving the deceased may commence an action for the recovery of such damages as provided by an Act entitled an Act requiring compensation for causing death by wrongful act, neglect, or default, approved April twenty-sixth, eighteen hundred and sixty-two.

Sec. 4. This Act shall take effect and be in force six months after its passage.

#### CHAPTER CCCXXXIV.

An Act supplemental to an Act entitled an Act concerning corporations, passed twenty-second April, one thousand eight hundred and fifty.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. On petition of the majority of the shareholders of any corporation formed for the purpose of mining to the County Judge of the county where said corporation has its principal place of business, verified by the signers, to the effect that they are severally the holders,

on the books of the company of the number of shares set opposite their signatures to the foregoing petition, the County Judge shall issue his notice to the shareholders of said company that a meeting of the shareholders will be held, stating the time, not less than five nor more than ten days after the first publication of such notice, and the place of meeting within said county, and the object to be to take into consideration the removal of the officers of said company; which notice, signed by the said County Judge, shall be published daily in one or more daily newspapers published in said county for at least five days before the time for the meeting.

Sec. 2. At the time and place appointed by said notice those claiming to be shareholders who shall assemble shall proceed to organize by the appointment of a Chairman and Secretary, and thereupon those claiming to be shareholders shall present proof thereof, and only those showing a right to vote shall take part in the further proceedings. If it appears at the time appointed, or within one hour thereafter, shareholders of less than one-half the shares are present, no further proceedings shall be had, but the meeting shall be ipso facto dissolved: Provided, however, that by a vote of the holders of two-thirds of the capital stock of the corporations aforesaid, the Board of Trustees may be required to furnish to the meeting a written detailed statement and account of the affairs, business and property of the corporation; but if the holders of more than two-thirds of the shares are present they shall proceed to vote, the Secretary calling the roll and the members voting yea or no, as the case may be. The Secretary shall enter the same upon his list, and when he has added up the list and stated the result, he shall sign the same, and hand it to the Chairman, who shall also sign the same and declare the result.

Sec. 3. If the result of the vote is that the holders of a majority of all the shares of the company are in favor of the removal of one or more of the officers of the company, the meeting shall then proceed to ballot for officers to supply the vacancies thus created. Tellers shall be appointed by the Chairman, who shall collect the ballots and deliver them to the Secretary, who shall count the same in open session, and having stated the result of the count in writing, shall sign the same and hand it to the Chairman, who shall announce the result to the meeting.

Sec. 4. A report of the proceedings of the meeting shall be made in writing, signed by the Chairman and Secretary and verified by them, and delivered to the County Judge, who shall thereupon issue to each person chosen a certificate of his election, and shall also issue an order requiring that all books, papers, and all property and effects be immediately deliv-



ered to the officers elect, and the petition and report, indorsed with the date and fact of the issuance of such certificate and order, shall be delivered to the County Clerk to be by him filed in his office, and thereafter the persons thus elected officers shall be the duly elected officers and hold office until the next regular annual meeting, unless removed under the provisions hereof.

Sec. 5. For all services in these proceedings the County Clerk shall receive ten dollars on the issuance of the notice and ten dollars on the issuance of the certificates.

Sec. 6. All Acts of parts of Acts conflicting with this Act are hereby repealed.

Sec. 7. This Act shall take effect immediately.

#### CHAPTER CCCLXIX.

An Act to amend an Act entitled "An Act to provide for the formation of corporations for certain purposes," approved April fourteenth, eighteen hundred and fifty-three.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. Any three or more persons who may desire to form a company for any one or more of the purposes specified in the preceding section, may make, sign, and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and certified copies thereof under the hand of the Clerk and seal of the County Court of said county, in the office of the Secretary of State, and in the office of the Clerk of the several counties in which they may carry on their business, a certificate in writing, in which shall be stated the corporate name of the company, the object for which the company shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years, the number of shares of which the stock shall consist, the number of Trustees and their names, who shall manage the concerns of the company for the first three months, and the names of the city, or town, and county in which the principal place of business of the company is to be located.

Sec. 2. This Act shall take effect and be in force from and after its passage.

#### CHAPTER CDXCVIII.

An Act for the protection of coal mines and coal miners.

[Approved March 27, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. The owner or agent of every coal mine shall make, or cause to be made, an accurate map or plan of the workings of such coal mine on a scale of one hundred feet to the inch.

Sec. 2. A true copy of which map or plan shall be kept at the office of the owner or owners of the mine, open to the inspection of all persons, and one copy of such map or plan shall be kept at the mines by the agent or other person having charge of the mines, open to the inspection of the workmen.

Sec. 3. The owner or agent of every coal mine shall provide at least two shafts or slopes, or outlets, separated by natural strata of not less than one hundred and fifty feet in breadth, by which shafts, slopes, or outlets, distinct means of ingress and egress are always available to the persons employed in the coal mine; Provided, that if a new tunnel, slope, or shaft will be required by the additional opening, work upon the same shall commence immediately after the passage of this Act and continue until its final completion, with reasonable dispatch.

Sec. 4. The owner or agent of every coal mine shall provide and establish for every such mine an adequate amount of ventilation, of not less than fifty-five cubic feet per second of pure air, or thirty-three hundred feet per minute for every fifty men at work in such mine, and as much more as circumstances may require, which shall be circulated through to the face of each and every working place throughout the entire mine, to dilute and render harmless and expel therefrom the noxious, poisonous gases, to such an extent that the entire mine shall be in a fit state for men to work therein, and be free from danger to the health and lives of the men by reason of said noxious and poisonous gases, and all workings shall be kept clear of standing gas.

Sec. 5. To secure the ventilation of every coal mine, and provide for the health and safety of the men employed therein, otherwise and in every respect, the owner or agent, as the case may be, in charge of every coal mine, shall employ a competent and practical inside Overseer, who shall keep a careful watch over the ventilating apparatus, over the air ways, the travelling ways, the pumps and sumps, the timbering, to see, as the miners advance in their excavations, that all loose coal, slate, or rock, overhead is carefully secured against falling; over the arrangements for signaling from the bottom to



the top, and from the top to the bottom of the shaft or slope, and all things connected with and appertaining to the safety of the men at work in the mine. He or his assistants shall examine carefully the workings of all mines generating explosive gases, every morning before the miners enter, and shall ascertain that the mine is free from danger, and the workmen shall not enter the mine until such examination has been made and reported, and the cause of danger, if any, be removed.

Sec. 6. The Overseer shall see that the hoisting machinery is kept constantly in repair and ready for use, to hoist the workmen in or out of the mine.

Sec. 7. The word "owner" in this Act shall apply to lessee as well.

Sec. 8. For any injury to person or property occasioned by any violation of this Act, or any wilful failure to comply with its provisions, a right of action shall accrue to the party injured for any direct damages he or she may have sustained thereby, before any Court of competent jurisdiction.

Sec. 9. For any wilful failure or negligence on the part of any Overseer of any coal mine, he shall be liable to conviction of misdemeanor and punished according to law; Provided, that, if such wilful failure or negligence is the cause of the death of any person the Overseer, upon conviction, shall be deemed guilty of manslaughter.

Sec. 10. All boilers used for generating steam in and about coal mines shall be kept in good order, and the owner or agent thereof shall have them examined and inspected, by a competent boilermaker, as often as once in three months.

Sec. 11. This Act shall not apply to opening a new coal mine.

Sec. 12. This Act shall take effect immediately.

## CHAPTER DXXXI.

An Act regulating the sale of mineral lands belonging to the State.

[Approved March 28, 1874.]

The People of the State of California represented in Senate and Assembly,  
do enact as follows:

Section 1. Any person desiring to purchase from this State any portion of any sixteenth or thirty-sixth section, that shall have been designated by United States survey as of a mineral character, or which is so in fact, shall make an affidavit before some officer authorized to administer oaths, that he or she is a citizen of the United States, or, if a foreigner, that he has filed his intention to become a citizen of the United States;

that he or she is of lawful age, and desires to purchase said land, giving a description thereof by legal subdivisions; that he or she has not entered any portion of such mineral lands, which, together with that applied for in such affidavit, will exceed forty acres; that there is no occupation of said land adverse to that which he or she holds, or, if there be any adverse occupation thereof, then he or she must state the name of such adverse occupant, together with the fact that the plat of the township has been on file six months or over, and that such adverse occupant has been in such occupation six months or over.

Sec. 2. Any person that shall be in the actual possession of any of said lands described in section one, at the time of the survey thereof by the United States, or at the time of the passage of this Act, shall be considered a preferred purchaser thereof; Provided, that he or she make his or her application for the purchase of the same within six months after the filing of the plat of such survey in the United States Land Office, or within ten months after the passage of this Act.

Sec. 3. When a contest shall arise as to the mineral character of the lands applied for, or from any other cause, the Surveyor General, or the Register before whom the contest is made, must, within thirty days after the adverse application is filed, unless sooner referred, at the request of either claimant, make an order referring such contest to the District Court of the county within which the land is situated, and must enter such order in the proper book of his office, and forward a copy thereof to the Clerk of the Court to which the reference is made. Upon the filing of a copy of such order with the Clerk of the Court, either party may commence an action in said Court to determine the conflict, and the Court shall have full and complete jurisdiction to hear and determine the same. Unless an action shall be commenced within ninety days after the copy of the order of reference shall have been filed with the Clerk of the Court, the party making such demand or the adverse claimant, if the case is referred without demand, shall be deemed to have waived and surrendered his or her right to purchase, and the Surveyor General or Register shall proceed as though his or her application had not been made.

Sec. 4. All lands sold under the provisions of this Act shall be sold for the sum of two dollars and fifty cents per acre, in United States gold coin, payable to the Treasurer of the County in which the lands are situated, within fifty days from the date of the approval by the Surveyor General; and in case said payment is not made within said fifty days, the land described in the location shall revert to the State without suit, and said location shall be and become null and void. All payments made to the County Treasurer as above provided, shall be paid over



er and accounted for as other moneys received for State lands are required to be paid over and accounted for.

Sec. 5. The Surveyor General and Register shall, in the matter of approving locations, issuing certificates of purchase or patents, or in any other proceedings relating to the sale of lands of a mineral character, which proceedings are not provided for in this Act, proceed in the same manner as is now provided for in the sale of sixteenth and thirty-sixth sections which are not of a mineral character.

Sec. 6. All patents issued by the State to any portion of any sixteenth or thirty-sixth section, shall be subject to any vested and accrued water rights, ditches and reservoirs, used in connection therewith, acquired by priority of possession under local customs, and the decisions of the Courts, and the right of way for the construction of ditches and canals, for mining and other purposes, over all of the sixteenth and thirty-sixth sections owned by the State, is hereby granted and confirmed.

Sec. 7. After the passage of this Act, no patent shall be issued by the State for any of the lands described in this Act, upon which, at the time of the application therefor, there was and still is any actual bona fide mining claim, except to the person who is the owner of such mining claim, under local mining customs, and not to such owner in excess of forty acres; and when an applicant for such lands, not owning such mining claim, shall have paid the purchase money therefor, in whole or in part, he may present his certificate of purchase and receive in exchange therefor, from the Register, a certificate showing the whole amount paid; and the Controller, upon the surrender of such certificate, must draw his warrant in favor of the person surrendering such certificate, for the amount therein specified, on the Treasurer of State, who must pay the same out of the Fund into which the purchase money was paid; Provided, that the owner of such mining claim, under such mining customs, shall apply to purchase the same within six months after the plat of the township containing such land shall have been filed in the local United States Land Office, or within ten months after the passage of this Act, and, Provided further that any owner of a bona fide mining claim who shall have entered into an agreement with the applicant for any portion of the sixteenth or thirty-sixth section upon which said mining claim is situated, for a procurement of a title for the same, shall not avail himself of the provisions of this section. The Governor of this State shall not sign any patent contrary to the provisions of this Act.

Sec. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 9. This Act shall take effect and be in force from and after its passage.

## CHAPTER DCXXVII.

An Act for the better protection of Stockholders in corporations, formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining.

[Approved March 30, 1874.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of the Secretary of every corporation formed under the laws of the State of California, for the purpose of mining, to keep the books of such corporation as prescribed by its bylaws; Provided, such bylaws are not inconsistent with the laws of this State. The books of such corporation shall be produced for examination and inspection during the hours of business every day in the year, Sundays and legal holidays excepted, upon the demand of any stockholder holding and presenting a certificate of stock in such corporation, either in his own name or properly endorsed and the Secretary of such corporation shall be required, upon the demand of any stockholder holding stock in such corporation to the amount of five hundred dollars, par value, to have the books of the corporation written up at the end of each month, and shall make out a balance sheet, showing the correct financial condition of the corporation; and on or before the tenth day of January and July, of each year, he shall make out a written statement, showing all the business and financial transactions of the corporation for the six months preceeding, which statement shall also contain a full description of all property of the corporation, and the character and extent of the same; and such statements, together with all papers and records of the corporation, shall be open to examination and inspection upon any demand by such stockholder. All demands of stockholders, as specified in this section, shall be made to the Secretary, at the office of the corporation where its principal place of business is located.

Sec. 2. Any owner of stock of the par value of five hundred dollars, in any of the corporations mentioned in section one of this Act, shall, at all hours of business or labor on or about the premises or property of such corporation, have the right to enter upon such property and examine the same, either on the surface or underground. And it is hereby made the duty of any and all officers, managers, agents, superintendents, or persons in charge, to allow any such stockholder to enter upon and examine any of the property of such corporation at any time during the hours of business or labor; and the presentations of certificates of stock in the corporation of the par value of five hundred dollars, to the officer or person in charge shall be prima facie evidence of ownership and right to enter up-



on or into, and make examinations of the property of the corporation.

Sec. 3. The violations of any of the provisions of sections one and two of this Act shall subject the Trustees of the corporation to a fine of two hundred dollars, and costs of suit, and the expenses of stockholders so refused, in traveling to and from the property, which may be recovered in any court of competent jurisdiction, either in the county where the property is situated or the county where the office and principal place of business of the corporation is situated, which said fine shall be imposed and collected for and paid over to the person so refused, together with all moneys collected for the said traveling expenses.

Sec. 4. All Acts in conflict with the provisions of this Act are hereby repealed.

#### CHAPTER XLV.

An Act to amend an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March twenty-eighth, eighteen hundred and seventy-four.

[Approved February 3, 1876.]

The People of the State of California, represented in Senate and Assembly,  
do enact as follows:

Section 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. Any person that shall be in the actual possession of any of said lands, described in section one, at the time of the survey thereof by the United States, or at the time of the passage of this Act, shall be considered a preferred purchaser thereof to the extent of his or her mining claim, provided he or she make application for the purchase of the same on or before the first day of January, eighteen hundred and seventy-seven, if the plat of such survey be already filed in the United States Land Office; and if not so filed, then within six months after the filing of such plat, as aforesaid.

Sec. 2. Section seven of said Act is hereby amended so as to read as follows: Section 7. After the passage of this Act, no patent shall be issued for any of the lands described in this Act upon which, at the time of the application therefor, there was and still is any actual bona fide mining claim, except to the person who is the owner of such mining claim under local mining customs; and when an applicant for such lands, not owning such mining claim, shall have paid the purchase money therefor, in whole or in part, he may present his certificate of purchase and receive in exchange therefor, from the Register, a certificate showing the whole amount paid and the Controller, upon the surrender of such certificate, must draw his warrant in favor of the person surrendering such certificate, for the amount therein specified, on the Treasurer of the

State, who must pay the sum out of the fund into which the purchase money was paid; Provided, that the owner of such mining claim, under such mining customs, shall apply to purchase the same within six months after the plat of the township containing such land shall have been filed in the local United States Land Office, on or before the first day of January, eighteen hundred and seventy-seven; and, Provided further, that any owner of a bona fide mining claim who shall have entered into an agreement with the applicant for any portion of sixteenth or thirty-sixth section upon which said mining claim is situated, for the procurement of a title for the same, shall not avail himself of the provisions of this section. The Governor of this State shall not sign any patent contrary to the provisions of this Act.

Sec. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 4. This Act shall take effect and be in force from and after its passage.

#### CHAPTER CDLXXXIX.

An Act to amend an Act entitled "An Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, one thousand, eight hundred and fifty," approved March twenty-first, eighteen hundred and seventy-two.

[Approved April 1, 1876.]

The People of the State of California, represented in Senate and Assembly,  
do enact as follows:

Section 1. Section one of said Act is hereby amended so as to read as follows:

Section 2. At the time and place appointed by said notice, those claiming to be shareholders, who shall assemble shall proceed to organize by the appointment of a Chairman and Secretary, and thereupon those claiming to be shareholders shall present proof thereof, and only those showing a right to vote shall take part in the further proceedings. If it appears that at the time appointed, or within one hour thereafter, shareholders of less than one-half the shares are present, no further proceedings shall be had; but the meeting shall be ipso facto dissolved; Provided, however, that by a vote of the holders of the majority of the capital stock of the corporation aforesaid, the Board of Trustees may be required to furnish to the meeting a written detailed statement and account of the affairs, business, and property of the corporation; but if the holders of a majority of the shares are present they shall proceed to vote, the Secretary calling the roll and the members voting yea or no, as the case may be.

The Secretary shall enter the same upon his list, and when he has added up the list and stated the result, he shall sign the same and hand it to the Chairman,



who shall sign the same and declare the result.

Sec. 2. All Acts or parts of Acts conflicting with this Act are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage.

#### CHAPTER DLXII.

An Act to regulate the recording of mining locations in Calaveras County.

[Approved April 3, 1876.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. A copy of the notice of location of any mining claim hereafter located in the County of Calaveras shall be filed and recorded in the office of the County Recorder of said county within six days from the date of posting said notice of location, notwithstanding any rule, regulation, or by-law of any mining district in said county.

Sec. 2. Whenever any notice of location is posted without being recorded, as provided in section one of this Act, such location shall not be considered notice to subsequent locations recording under this Act.

#### CHAPTER CDLXXXI.

An Act creating a Board of Bank Commissioners and prescribing their duties and powers.

[Approved March 30, 1878.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sec. 8. No savings bank shall receive the license in this Act provided for, unless at least fifty per cent. of all its loans shall be secured by first mortgage, or other prior lien, upon real estates situated within this State; such loans, at the date when made, hereafter, not to exceed sixty per cent. of the market value of the security, except made for the purpose of facilitating the sale of property owned by the corporation. And it shall be unlawful for any savings and loan society, or savings bank, to purchase, invest, or loan its capital, or the money of its depositors, or any part of either, in mining shares or stocks. Any President or managing officer who knowingly consents to a violation of the above provision shall be deemed guilty of a felony.

#### CHAPTER CXVII.

An Act to promote drainage.

[Approved March 23, 1880.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sec. 19. The owner, or owners, or the managing agent of every hydraulic mine, or any mine using water to wash the earth or ores for mining purposes, which mine may be embraced in whole or in part within any drainage district to be formed or organized under this Act, and of all mines the waters from which carrying slickens, sand, or debris therefrom runs into any district, shall, on or before the first day of July, A. D. eighteen hundred and eighty, and every year thereafter at the time required for rendering a statement to the Assessor for the purpose of assessing for State and county taxes, render to the Assessor of the county in which the mine is located, a sworn statement showing the number of miners' inches of water (of twenty-four hours' run) used by the mine, of which he is in whole or in part owner or the managing agent, for the preceding year ending on the first day of March next preceding the rendition of such statement. The statement shall include also the name and description of the mine. Upon the receipt of such statement from the owner or managing agent of such mines, the Assessor shall enter the same, in a separate column, in the duplicate assessment book provided for this Act, so that it will show the number of miners' inches of water (of each twenty-four hours' run) used by each of such mines within the county for which he is Assessor.

Sec. 20. The Board of Directors shall, at the same time in October of each year that they levy the tax hereinbefore provided for, levy an assessment upon all hydraulic mines and upon all mines washing earth or ores with water running into the district, of one-half of one per cent. for each miners' inch of water of each twenty-four hours' run, used during such year, and shall notify the Auditor of each county embraced in whole or in part in the district, of the amount so levied, and he shall compute and enter upon the duplicate assessment book the respective sums to be collected from the respective mines; and the Tax Collector shall collect said assessment at the same time and in the same manner that they collect State and county taxes; and the money so collected shall be paid over in the same manner and at the same time as herein provided for the collection of taxes, and the State Treasurer shall place the same to the credit of the "Construction Fund" of the proper district.



## CHAPTER XXXVII.

An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eight, eighteen hundred and seventy-four.

[Approved April 6, 1880.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of "An Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four" is hereby amended so as to read as follows:

Section 3. When a contest shall arise as to the mineral character of the lands applied for, or from any other cause, the Surveyor-General, or the Register before whom the contest is made, must, within thirty days, after the adverse application is filed, unless sooner referred, at the request of either claimant, make an order referring such contest to the Superior Court of the county within which the land is situated, and must enter such order in the proper book of his office and forward a copy thereof to the Clerk of the Court to which the reference is made. Upon the filing of a copy of such order with the Clerk of the Court, either party may commence an action in said Court to determine the conflict, and the Court shall have full and complete jurisdiction to hear and determine the same. Unless an action shall be commenced within ninety days after the copy of the order of reference shall have been filed with the Clerk of the Court, the party making such demand or the adverse claimant, if the case is referred without demand, shall be deemed to have waived and surrendered his or her right to purchase, and the Surveyor-General or Register shall proceed as though his or her application had not been made.

Sec. 2. This Act shall take effect and be in force from and after its passage.

## CHAPTER CXXI.

An Act amendatory of an Act entitled "An Act for the better protection of the stockholders in corporations, formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining," approved March thirtieth, eighteen hundred and seventy-four.

(Approved April 23, 1880.)

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. It shall be the duty of the Secretary of every corporation, formed under the laws of this State for the purpose of mining, to keep a complete set of books, showing all receipts and expenditures of such corporation, the source of such receipts, and the object of such expenditures, and also all transfers of stock. All books and papers shall at all times, during business hours, be open to the inspection of any bona fide stockholder; and if any stockholder shall at any time so request, it shall be the duty of the Secretary to attend at the office of said company at least one hour in the day out of regular business hours, and exhibit such books and papers of the company as such stockholder may desire, who shall be entitled to be accompanied by an expert; and he shall also be entitled to make copies or extracts from any such books or papers. It shall be the duty of the Directors on the first Monday of each and every month, to cause to be made an itemized account or balance sheet for the previous month, embracing a full and complete statement of all disbursements and receipts, showing from what sources such receipts were derived and for what and to whom such disbursements or payments were made, and for what object or purpose the same were made; also all indebtedness or liabilities incurred or existing at the time, and for what the same were incurred, and the balance of money, if any, on hand. Such account or balance sheet shall be verified under oath by the President and Secretary, and posted in some conspicuous place in the office of the company. It shall be the duty of the Superintendent, on the first Monday of each month, to file with the Secretary an itemized account, verified under oath, showing all receipts and disbursements made by him for the previous month, and for what said disbursements were made. It shall also be the duty of the Superintendent to file with the Secretary a weekly statement, under oath, showing the number of men employed under him and for what purpose, and the rate of wages paid to each one. He shall attach to such account a full and complete report, under oath, of the work done on said mine, the amount of ore extracted, from what part of the mine taken, the amount sent to mill for reduction, its assay value, the amount of bullion received, the amount of bullion shipped to the office of the company or elsewhere, and the amount, if any, retained by the Superintendent. It shall also be his duty to forward to the office of the company a full report, under oath, of all discoveries of ores or mineral-bearing quartz made in said mine, whether by boring, drifting, sinking or otherwise, together with the assay value thereof. All accounts, reports and correspondence from the Superintendent shall be kept in some conspicuous place in the office of said com-



pany, and be open to the inspection of all stockholders.

Sec. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. Any bona fide stockholder of a corporation formed under the laws of this State for the purpose of mining, shall be entitled to visit, accompanied by his expert, and examine the mine or mines owned by such corporation, and every part thereof, at any time he may see fit to make such visit and examination; and when such stockholder shall make application to the President of such corporation, he shall immediately cause the Secretary thereof to issue and deliver to such applicant an order, under the seal of the corporation, directed to the Superintendent, commanding him to show and exhibit such parts of said mine or mines, as the party named in said order may desire to visit and examine. It shall be the duty of the Superintendent, on receiving such order, to furnish such stockholder every facility for making a full and complete inspection of said mine or mines, and of the workings therein; it shall be his duty also to accompany said stockholder, either in person, or to furnish some person familiar with said mine or mines to accompany him in his visit to and through such mine or mines, and every part thereof. In case of the failure or refusal of the Superintendent to obey such order, such stockholder shall be entitled to recover, in any Court of competent jurisdiction, against said corporation, the sum of one thousand dollars and traveling expenses to and from said mine as liquidated damages, together with costs of suit. In case of such refusal, it shall be the duty of the Directors of such corporation forthwith to remove the officer so refusing, and thereafter he shall not be employed directly or indirectly by such corporation, and no salary shall be paid to him.

Sec. 3. Section three of said Act is hereby amended so as to read as follows:

Section 3. In case of the refusal or neglect of the President to cause to be issued by the Secretary the order in the second section of this Act mentioned, such stockholder shall be entitled to recover against said President the sum of one thousand dollars and costs, as provided in the last section. In case of the failure of the Directors to have the reports and accounts current made and posted as in the first section of this Act provided, they shall be liable, either severally or jointly, to an action by any stockholder in any Court of competent jurisdiction complaining thereof, and on proof of such refusal or failure, such complaining stockholder shall recover judgment for one thousand dollars liquidated damages, with costs of suit.

Sec. 4. All Acts and parts of Acts, so far as they do conflict with this Act, are hereby repealed.

Sec. 5. This Act shall take effect from and after its passage.

## CHAPTER CXVIII.

An Act for the further protection of stockholders in mining companies.

[Approved April 23d, 1880.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. It shall not be lawful for the Directors of any mining corporation to sell, lease, mortgage, or otherwise dispose of the whole or any part of the mining ground owned or held by such corporation, nor to purchase or obtain, in any way, any additional mining ground, unless such act be ratified by the holders of at least two-thirds of the capital stock of such corporation. Such ratification may be made either in writing, signed and acknowledged by such stockholders, or by resolution, duly passed at a stockholders' meeting called for that purpose.

Sec. 2. All stock in each and every mining corporation in this State shall stand in the books of said company, in all cases, in the names of the real owners of such stock, or in the name of the Trustees of such real owners; but in every case where such stock shall stand in the name of a Trustee, the party for whom he holds such stock in trust shall be designated upon said books, and also in the body of the certificate of such stock.

Sec. 3. It shall not be lawful for any such corporation, or the Secretary thereof, to close the books of said corporation, more than two days prior to the day of any election. At such election the stock of said corporation shall be voted by the bona fide owners thereof, as shown by the books of said corporation, unless the certificate of stock, duly endorsed, be produced at such election, in which case said certificates shall be deemed the highest evidence of ownership, and the holder thereof shall be entitled to vote the same.

Sec. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 5. This Act shall take effect from and after its passage.

## CHAPTER LIII.

An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as Section 3608 of said Code.

[Approved March 7, 1881.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 2. A new section is hereby added to the said Code, to be known as section three thousand six hundred and eight, and to read as follows:

Sec. 3608. Shares of stock in corporations possess no intrinsic value over and



above the actual value of the property of the corporation which they stand for and represent, and the assessment and taxation of such shares, and also of the corporate property, would be double taxation. Therefore, all property belonging to corporations shall be assessed and taxed, but no assessment shall be made of shares of stock, nor shall any holder thereof be taxed therefor. [Took effect from passage.]

## CHAPTER LXXII.

An Act to provide a State Hospital and Asylum for Miners.

[Approved March 14, 1881.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be erected as soon as conveniently may be, upon some suitable site, to be determined and obtained as hereinafter provided, a public hospital and asylum, for the reception, care, medical and surgical treatment, and relief of the sick, injured, disabled, and aged miners, which shall be known as the "California State Miners' Hospital and Asylum."

Sec. 2. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint five persons to serve as Trustees of the said institution, who shall be a body politic and corporate, by the name and style of the "Trustees of the California State Miners' Hospital and Asylum," and shall manage and direct the concerns of the institution, and make all necessary by-laws and regulations, and shall have power to receive, hold, dispose of, and convey all real and personal property conveyed to them by gift, devise or otherwise for the use of said institution, and shall serve without compensation. Of those first appointed, two shall serve for two years, and three for four years, and at the expiration of the respective terms, each class thereafter shall be appointed for four years. A vacancy in said Board, from any cause, shall be filled by appointment by the Governor, for the unexpired term.

Sec. 3. The said Trustees shall have charge of the general interests of the institution; they shall appoint the Superintendent, who shall be a skillful physician and surgeon, subject to removal or reelection no oftener than in periods of ten years, except by infidelity to the trust reposed in him, or for incompetency.

Sec. 4. The Trustees, by and with the consent of the Governor, shall make such by-laws and regulations for the government of the institution as shall be neces-

sary; they shall appoint a Treasurer, who shall give bonds to the people of the State of California for the faithful discharge of his duties; and they shall fix the compensation of all officers, assistants, and attaches, who may be necessary for the just and economical administration of the affairs of said institution.

Sec. 5. Indigent miners shall be charged for medical attendance, surgical operations, board, and nursing while residents in the hospital and asylum, no more than the actual cost; paying patients, whose friends can pay their expenses, and who are not chargeable upon townships and counties, shall pay according to the terms directed by the Trustees.

Sec. 6. The several Boards of Supervisors of counties, or any constituted authority in the State having care and charge of any indigent, sick, or aged person or persons, if satisfactorily proven by them to have been miners, shall have authority to send to the "California State Miners' Hospital and Asylum" such persons and they shall be severally chargeable with the expenses of the care, maintenance, and treatment, and removal to and from the hospital and asylum of such patients.

Sec. 7. The Trustees shall, annually, at such time as the Governor may designate, report to him, for transmission to the Legislature, such a statement as he may require as to the management of the said hospital and asylum.

Sec. 8. This Act shall take effect immediately.

## CHAPTER XXXVIII.

An Act to provide for analyzing the minerals, mineral waters, and other liquids, and the medical plants of the State of California, and of foods and drugs, to prevent the adulteration of the same.

[Approved March 9, 1885.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. The Governor of the State of California shall appoint one of the Professors of the State University of California of sufficient competence, knowledge, skill and experience, as State Analyst, whose duty it shall be to analyze all articles of food, drugs, medicines, medical plants, minerals, and mineral waters, and other liquids or solids which shall be manufactured, sold, or used within this State, when submitted to him, as hereinafter provided.

Sec. 2. The State Board of Health and Vital Statistics, or medical officers of



health of any city, town, or of any city and county, or county, may, at the cost of their respective Boards or corporations, purchase a sample of any food, drugs, medicine, medicinal plants, mineral waters, or other liquids offered for sale in any town, village, or city in this State, and submit it to the State Analyst, as hereinafter provided; and said Analyst shall, upon receiving such article duly submitted to him, forthwith analyze the same, and give a certified certificate to the Secretary of the State Board of Health submitting the same, wherein he shall fully specify the result of the analysis; and the certificate of the State Analyst shall be held in all the Courts of this State as prima facie evidence of the properties of the articles analyzed by him.

Sec. 3. Any person desiring an analysis of any food, drug, medicine, medicinal plant, soil, mineral water, or other liquid, shall submit the same to the Secretary of the State Board of Health, together with a written statement of the circumstances under which he procured the article to be analyzed, which statement must, if required by him, be verified by oath, and it shall be the duty of the Secretary of the State Board of Health to transmit the same to the State Analyst, the expenses thereof to be defrayed by the said Board.

Sec. 4. The State Analyst shall report to the State Board of Health the number of all the articles analyzed, and shall specify the results thereof to said Board annually, with full statement of all the articles analyzed, and by whom submitted.

Sec. 5. The State Board of Health may submit to the State Analyst any samples of food, drugs, medicines, medicinal plants, mineral waters, or other liquids, for analysis, as hereinbefore provided.

Sec. 6. It shall be competent for the Mineralogist of the State of California to submit to the State Analyst any minerals of which he desires an analysis to be made: Provided, that the cost of the same shall be defrayed by the Mineralogical Bureau.

Sec. 7. The Board of State Viticultural Commissioners shall have the same privileges as are provided for the State Board of Health under this Act, with respect to samples of wines and grape spirits, and of all liquids and compounds in imitation thereof, and any person or persons desiring analyses of such products, shall submit the same to the Secretary of the Board of State Viticultural Commissioners, and the same shall be transmitted to the State Analyst, in the manner prescribed in section three of this Act. The analyses shall be made, and the certificates of the State Analyst shall be forwarded to the Secretary of the said Board of State Viticultural Commissioners, and shall have the same force and effect as provided for in section two of this Act, with respect to analyses made for the State Board of Health.

## CHAPTER CLV.

An Act relating to the working, rights of way, easement, and drainage of mines in the State of California.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever any mine owner company or corporation shall have performed the labor and made the improvements required by law for the location and ownership of mining claims or lodes, such owner, company or corporation shall file or cause to be filed, within thirty days after the time limited for performing such labor or making such improvements, with the County Recorder of Deeds of the county in which the mine or claim is situated, an affidavit particularly describing the labor performed and improvements made, and the value thereof, which affidavit shall be prima facie evidence of the facts therein stated. Upon the failure of any claimant mine owner to comply with the conditions of this Act in the performance of labor, or making of improvements upon any claim, mine or mining ground, the claim or mine upon which such failure occurred shall be opened to relocation in the same manner as if no location of the same had ever been made. But if, previous to relocation, the original locators, their heirs, assigns, or legal representatives, resume work upon such claim, and continue the same with reasonable diligence until the required amount of labor has been performed or improvements made, and the required statement of accounts and affidavits filed with the County Recorder, then the claim shall not be subject to relocation because of previous failure to file accounts. Upon the failure of any one of the several co-owners to contribute his portion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements, may, at the expiration of the year, give such delinquent co-owner personal notice, in writing, or by publication in the newspaper published nearest the claim, for at least once a week for ninety days; and if, at the expiration of ninety days after such notice in writing or publication, such delinquent shall fail or refuse to contribute his portion of the expenditures required by this claimant or mine owner to comply with section, his interest in the claim shall become the property of his co-owners who made the expenditures. A copy of such notice, together with an affidavit showing personal service or publication, as the case may be, of such notice, when filed or recorded with the Recorder of Deeds of the county in which such mining claim is situated shall be evidence of the acquisition of title of such co-owners. Where a person or company has or may run a tunnel or cuts in good faith



for the purpose of developing a lode, lodes, or claims owned by said person, or company, or corporation, the money so expended in running said tunnel shall be taken and considered as expended on said lodes or claims; Provided further, that said lode, claim, or claims, shall be distinctly marked on the surface as provided by law.

Sec. 2. All mining locations and mining claims shall be subject to a reservation of the right of way through or over any mining claims, ditches, roads, canals, cuts, tunnels, and other easements for the purpose of working other mines; Provided, that any damage occasioned thereby shall be assessed and paid for in the manner provided by law for land taken for public use under the right of eminent domain.

Sec. 3. This act shall take effect immediately.

#### CHAPTER LXXIV.

An Act to establish a uniform system of mine bell signals, to be used in all the mines operated in the State of California, and for the protection of miners.

[Approved March 8, 1893.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Every person, company, corporation, or individual, operating any mine within the State of California—gold, silver, copper, lead, coal, or any other metal or substance where it is necessary to use signals by means of bell or otherwise, for shafts, inclines, drifts, cross-cuts, tunnels, and underground workings shall, after the passage of this bill, adopt, use, and put in force the following system or code of mine bell signals, as follows:

- 1 bell, to hoist. (See Rule 2.)
  - 1 bell, to stop if in motion.
  - 2 bells, to lower. (See Rule 2.)
  - 3 bells, man to be hoisted; run slow. (See Rule 2.)
  - 4 bells, start pump if not running, or stop pump if running.
  - 1- - -3bells, start or stop air compressor.
  - 5 bells, send down tools. See Rule 4.)
  - 6 bells, send down timbers. (See Rule 4.)
  - 7 bells, accident; move bucket or cage by verbal orders only.
  - 1- - -4 bells, foreman wanted.
  - 2- - -1- - -1 bells, done hoisting until called.
  - 2- - -1- - -2 bells, done hoisting for the day.
  - 2- - -2- - -2 bells, change buckets from ore to water, or vice versa.
  - 3- - -2- - -1 bells, ready to shoot in the shaft. (See Rule 3.)
- Engineer's signal that he is ready to

hoist, is to raise the bucket or cage two feet and lower it again. (See Rule 3.)

Levels shall be designated and inserted in notice hereinafter mentioned. (See Rule 5.)

Sec. 2. For the purpose of enforcing and properly understanding the above code of signals, the following rules are hereby established:

Rule 1. In giving signals make strokes on bell at regular intervals. The (—) must take the same time as for one stroke of the bell, and no more. If timber, tools, the foreman, bucket, or cage, are wanted to stop at any level in the mine, signal by number of strokes on the bell, the number of the level first before giving the signal for timber, tools, etc. Time between signals to be double bars (— —). Examples: 6- -5, would mean to stop at sixth level with tools; 4- -1-1-1- -1, would mean to stop at fourth level, man on, hoist; 2- -1-4, would mean stop at second level with foreman.

Rule 2. No person must get off or on the bucket or cage while the same is in motion. When men are to be hoisted, give the signal for men. Men must then get on bucket or cage, then give the signal to hoist. Bell cord must be in reach of man on the bucket or cage at stations.

Rule 3. After signal "Ready to shoot in shaft," engineer must give his signal when he is ready to hoist. Miners must then give the signal of "Men to be hoisted," then "spit fuse," get into the bucket and give the signal to hoist.

Rule 4. All timbers, tools, etc., "longer than the depth of the bucket," to be hoisted or lowered, must be securely lashed at the upper end to the cable. Miners must know they will ride up or down the shaft without catching on rocks or timbers and be thrown out.

Rule 5. The foreman will see that one printed sheet of these signals and rules for each level and for the engine room are attached to a board not less than twelve inches wide by thirty-six inches long, and securely fasten the board up where signals can be easily read at the places above stated.

Rule 6. The above signals and rules must be obeyed. Any violation will be sufficient grounds for discharging the party or parties so doing. No person, company, corporation, or individuals operating any mine within the State of California, shall be responsible for accidents that may happen to men disobeying the above rules and signals. Said notice and rules shall be signed by the person or superintendent having charge of the mine, who shall designate the name of the corporation or the owner of the mine.

Sec. 3. Any person or company failing to carry out any of the provisions of this Act shall be responsible for all damages arising to or incurred by any person working in said mine during the time of such failure.

Sec. 4. This Act shall take effect immediately.



## CHAPTER CCXXIII.

An Act to amend an Act entitled an Act to establish a Civil Code, approved March 21, 1872, by adding thereto two sections, to be known as sections one thousand four hundred and twenty-four and one thousand four hundred and twenty-five, being title nine, part four, division two, of said Code, concerning the manner of conducting the business of hydraulic mining.

[Approved March 24, 1893.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

1. The Civil Code of the State of California is hereby amended by adding thereto a new title, to be known as title nine, of part four, of division two, of said Code, to read as follows:

## TITLE IX—HYDRAULIC MINING.

1424. The business of hydraulic mining may be carried on within the State of California wherever and whenever the same can be carried on without material injury to the navigable streams, or the lands adjacent thereto.

1425. Hydraulic mining, within the meaning of this title, is mining by means of the application of water, under pressure, through a nizzle, against a natural bank.

## CHAPTER XXI.

Assembly Joint Resolution No. 12, relating to mines and mining claims situated within the boundaries of the Yosemite National Park.

[Adopted March 16, 1895.]

WHEREAS, The Government of the United States has set aside certain portions of the State of California for a national park, known as Yosemite National Park; and whereas, within the limits of said park are various mines and mining claims, said mines and mining claims having been discovered, held and worked according to the laws of the United States prior to the formation of said park, many of the owners thereof holding the same by virtue of patents granted by the government, thus securing vested rights therein, and others by reason of having performed the annual assesment work and other requirements prescribed by the mining laws of the United States; and whereas, the owners of such mines and mining claims are now prohibited from working and operating the same under rulings of the Interior Department, under pain of being arrested as trespassers and subjected to trial; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That we instruct our Senators and request our Representatives in Congress from this State to advocate such legislation or mod-

ification of the rulings of the Interior Department as shall permit the owners of said mines and mining claims to enjoy the same privileges now that they had prior to the formation of said Yosemite National Park.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

## CHAPTER XLI.

An Act to amend sections one and three of an Act entitled "An Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining," approved March 30, 1874

[Approved February 26, 1897.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of an Act for the better protection of the stockholders in corporations formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining, approved March thirtieth, eighteen hundred and seventy-four, is hereby amended so as to read as follows:

Section 1. It shall be the duty of the secretary of every corporation formed for the purpose of mining, or conducting mining in California, to keep a complete set of books showing all receipts and expenditures of such corporation, the sources of such receipts, and the objects of such expenditures, and also all transfers of stock. All books and papers shall, at all times during business hours, be open to the inspection of any bona fide stockholder; and if any stockholder shall at any time so request, it shall be the duty of the secretary to attend at the office of said company at least one hour in the day out of regular business hours, and exhibit such books and papers of the company as such stockholder may desire, who shall be entitled to be accompanied by an expert; and he shall also be entitled to make copies or extracts from any such books or papers. Any stockholder may, at reasonable hours, have permission to examine such mining property, and he shall be entitled to be accompanied by an expert to examine such property, to take samples, and to make such other examination as he may deem necessary. It shall be the duty of the directors, on the second Monday of every month, to cause to be made an itemized account or balance sheet for the previous month, embracing a full and complete statement of all disbursements and receipts, showing from what sources such receipts were de-



rived, and for what and to whom such disbursements or payments were made, and for what object or purpose the same were made; also all indebtedness or liabilities incurred or existing at the time, and for what the same were incurred, and the balance of money, if any, on hand. Such account or balance sheet shall be verified under oath by the president and secretary, and posted in some conspicuous place in the office of the company. It shall be the duty of the superintendent, on the first Monday of each month, to file with the secretary an itemized account, verified under oath, showing all receipts and disbursements made by him for the previous month, and for what said disbursements were made. Such account shall also contain a verified statement showing the number of men employed under him, and for what purpose, and the rate of wages paid to each one. He shall attach to such account a full and complete report, under oath, of the work done in said mine, the amount of ore extracted, from what part of mine taken, the amount sent to mill for reduction, its assay value, the amount of bullion received, the amount of bullion shipped to the office of the company or elsewhere, and the amount, if any, retained by the superintendent. It shall also be his duty to forward to the office of the company a full report, under oath, of all discoveries of ores or mineral-bearing quartz made in said mine, whether by boring, drifting, sinking, or otherwise, together with the assay value thereof. All accounts, reports and correspondence from the superintendent shall be kept in some conspicuous place in the office of said company, and to be open to the inspection of all stockholders; provided, that this section shall apply only to mining corporations whose stock is listed and offered for sale at public exchange, and shall not apply to mining corporations whose stock is not listed in the public exchange, and is not offered for public sale.

Section 2. Section three of said Act is hereby amended so as to read as follows:

Section 3.—In case of the refusal or neglect of the president to cause to be issued by the secretary the order in the second section of this Act mentioned, such stockholder shall be entitled to recover against said president the sum of one thousand dollars and costs, as provided in the last section. In case of the failure of the directors to have the reports and accounts current made and posted as in the first section of this Act provided, they shall be liable, either severally or jointly, to an action by any stockholder in any court of competent jurisdiction complaining thereof, and on proof of such refusal or failure, such complaining stockholder shall recover judgment for actual damages sustained by him, with costs of suit. And each of such defaulting directors shall also be liable to removal for such neglect.

Section 3. This Act shall take effect immediately.

## CHAPTER LXXVII.

An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure of the State of California concerning the right of eminent domain.

[Approved March 4, 1897.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section one thousand two hundred and thirty-eight of the Code of Civil Procedure is amended to read as follows:

1238. Subject to the provisions of the title the right of eminent domain may be exercised in behalf of the following public uses:

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit or conduct of tailings or refuse matter from their several mines.

Sec. 2. This Act shall take effect immediately.

## CHAPTER XCII.

An Act to amend section one of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

[Approved March 9, 1897.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April twenty-third, eighteen hundred and eighty, is hereby amended so as to read:

Section 1. It shall not be lawful for the directors of any mining corporation to sell, lease, mortgage, or otherwise dispose of the whole or any part of the mining ground owned or held by such corporation, nor to purchase or obtain in any way (except by location) any additional mining ground unless such act be ratified by the holders of at least two-thirds of the stock of such corporation then outstanding. Such ratification may be made either in writing, signed and acknowledged by such stockholders, or by resolution duly passed at any regularly called stockholders' meeting. The certificate of the secretary of any mining corporation, reciting such ratification at a stockholders' meeting, or the names of stockholders with the amount of stock held by each, and the total stock outstanding, signed and acknowledged by him in the manner provided for acknowledgments to conveyances of real property, may be attached



to or indorsed upon any deed, mortgage, conveyance, or other instrument made under this Act and recorded with such deed, conveyance, or other instrument, and the recitals contained in such certificate, or the duly recorded copy thereof, are made prima facie evidence of their truthfulness for all purposes whatsoever; provided, that no one except a stockholder in any such corporation shall be permitted to urge any objection to the acquisition of any additional ground or other property by such corporation.

Sec. 2. This Act shall take effect immediately.

#### CHAPTER XCIV.

An Act to amend section eleven hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to recording of certain instruments and valididating records heretofore made.

[Approved March 9, 1897.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven hundred and fifty-nine of an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two, is hereby amended to read as follows:

1159. Judgments affecting the title to or possession of real property authenticated by the certificate of the clerk of the court in which such judgments were rendered (and notices of location of mining claims), may be recorded without acknowledgment, certificate of acknowledgment, or further proof. The record of all notices of location of mining claims heretofore made in the proper office without acknowledgment, or certificate of acknowledgment, or other proof shall have the same force and effect for all purposes as if the same had been duly acknowledged, or proved and certified as required by law. Affidavits showing work or posting of notices upon mining claims may also be recorded in the Recorder's office of the county where such mining claims are situated.

Sec. 2. This Act shall take effect and be in force from and after its passage.

#### CHAPTER CXIII.

An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893.

(Approved March 17, 1897.)

The people of the state of California, represented in Senate and Assembly do enact as follows:

Section 1. Section one of the Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, one thousand eight hundred and ninety-three, is hereby amended so as to read as follows:

Section 1. The Governor of the state of California shall, on or before the first day of January, 1898, appoint a competent civil engineer for a period of four years only, to be known as and called the Debris Commissioner; provided, however, that the Debris Commissioner heretofore appointed under the act entitled "An act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, shall continue to perform the duties, and receive the compensation of that office, subject to the provisions of this Act, until the expiration of the term for which he was appointed and until the appointment and qualification of the Debris Commissioner provided for by this Act.

Sec. 2. Section two of said act is hereby amended so as to read as follows:

Sec. 2. Said commissioner shall receive a compensation of \$10 per day while actually engaged in the discharge of his duties, and his necessary traveling expenses, to be allowed by the State Board of Examiners.

Sec. 3. Section three of said Act is hereby amended so as to read as follows:



Section 3. It shall be the duty of the said Debris Commissioner to consult and advise with the members of the corps of engineers of the United States Army comprising the California Debris Commission (created by act of Congress approved March 1, 1893), in relation to the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosion or other causes; and it shall be his duty to examine such works, and to report the result of such examination to the State Board of Examiners. Said Debris Commissioner is further authorized and directed to consult and advise with said California Debris Commission in relation to any and all plans and specifications that may have been, or may hereafter be prepared or adopted by said California Debris Commission, for the construction of such restraining or impounding works, and said Debris Commissioner shall submit a copy of all such plans and specifications to the State Board of Examiners for their examination and consideration, together with his approval or disapproval thereof, or other recommendation with reference thereto.

The State Board of Examiners shall thereupon proceed to examine and consider the plans and specifications thus submitted to them, and in that behalf may require the attendance, counsel, and advice of said Debris Commissioner, during their examination and consideration thereof. The State Board of Examiners shall keep a record of their deliberations and shall either approve or disapprove said plans and specifications, which approval or disapproval may be by a majority vote of said board; provided, that no plans and specifications involving an expenditure on the part of the State of California of a sum greater than the appropriation herein made shall be approved.

If said plans and specifications be approved by the State Board of Examiners, the said Debris Commissioner shall thereupon report such action to said "California Debris Commission."

Whenever said "California Debris Commission" or the government of the United States shall have entered into any contract for the construction of works for the purposes described in this Act, in pursuance of plans and specifications that have been theretofore approved by the State Board of Examiners as in this Act provided, it shall then be the duty of the Debris Commissioner to carefully inspect such works during the process of their construction and to keep a record of the result of such inspection and to report the same monthly to the State Board of Examiners. Said Debris Commissioner shall also from time to time, during the process of the construction of such works, when requested so to do by the said "California Debris Commission," draw his warrants upon the State Controller in favor of

such person or persons as may be designated by said "California Debris Commission" for such amounts as shall equal one half of the cost of the construction of said works; and said Debris Commissioner shall, in like manner, and when requested so to do by said "California Debris Commission," draw his warrant upon the State Controller for an amount equal to one half the purchase price of any site or sites necessary for the construction of said works; provided, that the purchase of said site or sites shall have been first approved by the State Board of Examiners, and provided further, that no warrant shall be drawn in excess of the amount appropriated by this Act.

Section 4.—Section four of said Act is hereby amended so as to read as follows:

Section 4. There is hereby appropriated out of the general fund of the treasury of this State not otherwise appropriated, the sum of two hundred and fifty thousand dollars, to be used in the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosion, or other causes, and for the purchase of sites therefor. The appropriation made by this section is intended as a re-appropriation of the sum of two hundred and fifty thousand dollars appropriated by the act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and it is expressly intended and provided by this Act that the State of California shall, in no event, incur any liability hereunder beyond the amount of the appropriation herein made; and no contractor, claimant, or person shall acquire any right or obligation against the State of California beyond said sum so appropriated and set apart for the purposes hereinabove set forth, and it is expressly declared that any claim or demand against the State of California in excess of said appropriation shall be invalid and void. Said moneys shall be paid only upon orders drawn by the State Controller upon the written request of said Debris Commissioner, as in this Act provided.

Section 5. Section seven of said Act is hereby amended so as to read as follows:

Section 7.—All expenditures authorized by the provisions of this Act shall be subject to the approval of the State Board of Examiners; and the State Controller is hereby authorized to draw his warrant for all expenditures not in excess of the appropriation herein provided for so approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same.

Sec. 6.—This Act shall take effect immediately.

Sec. 6.—This act shall take effect immediately.



## CHAPTER CLIX.

An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits.

[Approved March 27, 1897.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

Section 1. The location of mining claims upon the public domain of the United States shall be made and perfected as provided in this Act.

Sec. 2.—The discoverer of any vein or lode shall immediately, upon making a discovery, erect at the point of discovery a substantial monument or mound of rocks, and post thereon a preliminary notice which shall contain:

First—The name of the lode or claim.

Second—The name of the locator or locators.

Third—The date of discovery.

Fourth—The number of linear feet claimed in length along the course of the vein each way from the point of discovery.

Fifth—The width claimed in each side of the center of the vein;

Sixth—The general course of the vein or lode, as near as may be;

Seventh—That such notice is a first or preliminary notice.

Such notice shall be recorded in the office of the County Recorder of the county in which the same is posted within twenty days after the posting thereof. Upon the erection of said monument and posting such notice, the discoverer shall be allowed the period of time specified in section three of this Act to enable him to perfect his location as hereinafter provided.

Sec. 3.—Within sixty days from the date of the discovery of a vein or lode, the discoverer must perform fifty dollars' worth of labor in developing his discovery, and distinctly mark his location on the ground so that its boundaries can be readily traced, and must file in the office of the County Recorder of the county in which the claim is situated, a certificate of location, which said certificate shall state:

1. The name of the lode or claim;

2. The name of the locator or locators.

3. The date of the discovery and posting of the notice, provided for in section two of this Act, which shall be considered as the date of the location;

4. A description of the claim, defining the exterior boundaries as they are marked upon the ground, and such additional description by reference to some natural objects, or permanent monument, as will identify the claim;

Fifth—A statement that such certificate is the final or completed notice of location, and that he has performed the aforesaid fifty dollars' worth of labor in development work thereon within the afore-

said sixty day period, stating generally the nature thereof. Said certificate shall be dated and signed by or on behalf of the locator or locators, and verified by them or by some one in their behalf, and when filed for record shall be deemed and considered as prima facie evidence of the facts therein recited. A copy of such certificate of location, certified by the County Recorder, shall be admitted in evidence in all actions or proceedings with the same effect as the original. The performance of such labor shall be deemed a necessary act in completing such location and a part thereof, and no part thereof shall inure to the benefit of any subsequent location.

Sec. 4. The discoverer of placers or other forms of deposit, subject to location and appropriation, under mining laws applicable to placers, shall locate his claim in the following manner:

First—He must immediately post in a conspicuous place at the point of discovery thereon a notice of certificate of location thereof containing:

(a) The name of the claim;

(b) The name of the locator or locators;

(c) The date of the discovery and posting of the notice, hereinbefore provided for, which shall be considered as the date of the location;

(d) A description of the claim by reference to legal subdivisions of sections, if the location is made in conformity with the public surveys; otherwise, a description with reference to some natural object or permanent monument as will identify the claim, and where such claim is located by legal subdivisions of the public surveys, such location shall, notwithstanding that fact, be marked by the locator upon the ground, the same as other locations.

Second—Within thirty days from the date of such discovery he must record such notice or certificate of location in the office of the County Recorder of the county in which such discovery is made, and so distinctly mark his location on the ground that its boundaries can be readily traced.

Third—Within sixty days from the date of the discovery the discoverer shall perform labor upon such location or claim in developing the same to an amount which shall be equivalent in the aggregate to at least ten dollars' (\$10) worth of such labor for each twenty acres, or fractional part thereof, contained in such location or claim.

A failure to perform such labor within said time shall cause all rights under such location to be forfeited and the land covered thereby shall at once be open to location by qualified locators other than the preceding locators, but shall not in any event be open to location by such preceding locators, and any labor performed by them thereon shall not inure to the benefit of any subsequent locator thereof.



Fifth—Such locator shall, upon the performance of such labor, file with the Recorder of the county an affidavit showing such performance, and generally the nature and kind of work so done.

Sec. 5. The affidavit provided for in the last section, and the aforesaid placer notice or certificate of location, when filed for record, shall be deemed and considered prima facie evidence of the facts therein recited. A copy of such certificate, notice or affidavit, certified by the County Recorder, shall be admitted in evidence in all actions or proceedings with the same effect as the original.

Sec. 6. All locations of quartz or placer formations or deposits, hereafter made, which do not conform to the requirements of this act, in so far as the same are respectively applicable thereto, shall be void.

Sec. 7. No record of a mining claim or millsite, made after the passage of this act, in the records of any mining district, shall be valid. All notices of location of mining claims, millsites, and other notices, heretofore recorded in such district records, if such notices conform to the local rules and regulations in force in such district, are hereby declared valid. Within thirty days after the passage of this Act the district recorder or custodian of the records of the several mining districts in this state, shall transmit to the County Recorders of the respective counties wherein the respective districts are situated, all the records of said respective districts, and thenceforward such County Recorder shall be deemed and considered the legal custodian of such records. Thereafter copies of such records, certified by the County Recorder, may be received in evidence with the same effect as the originals.

Sec. 8. This Act shall take effect and be in force sixty days after its passage.

#### CHAPTER CLXXX.

An Act to repeal an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April 1, 1878.

[Approved March 31, 1897.]

The People of the State of California, represented in Senate and Assembly,  
do enact as follows:

Section 1. An Act entitled an Act imposing a tax on the issue of certificates of stock of stock corporations, approved April one, eighteen hundred and seventy-eight, is hereby repealed.

Sec. 2. This Act shall take effect from and after its passage.

#### CHAPTER CCLXX.

An Act to repeal an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March 28, 1874, and the Acts amendatory thereof, and to provide for the sale of mineral lands under the United States laws.

[Approved April 1, 1897.]

The People of the State of California represented in Senate and Assembly,  
do enact as follows:

Section 1. The following entitled Acts of the Legislature are hereby repealed, to-wit:

First—An Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March twenty-eighth, eighteen hundred and seventy-four.

Second—An Act entitled "An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four," approved February third, eighteen hundred and seventy-six.

Third—An Act entitled "An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four," approved April sixth, eighteen hundred and eighty.

Sec. 2. When it shall be shown by affidavits or otherwise, to the satisfaction of the Surveyor-General, that any portion of a sixteenth or thirty-sixth section belonging to the State is valuable for its mineral deposits, the Surveyor-General shall not approve any application to purchase the same, nor shall the Register of the State Land Office issue a certificate of purchase therefor, until the question of the character of the land has been referred, for determination, to a court of competent jurisdiction, in the manner provided by section thirty-four hundred and fourteen of the Political Code, and adjudged not to be valuable as mining land.

Sec. 3.—The sixteenth and thirty-sixth sections belonging to the State, in which there may be found valuable mineral deposits, are hereby declared to be free and open to exploration, occupation and purchase of the United States, under the laws, rules, and regulations passed and prescribed by the United States for the sale of mineral lands.

Sec. 4. This Act shall take effect from and after its passage.

# California Supreme Court Decisions.

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## BOUNDARIES—NOTICES.

Marking boundaries, Posting and Recording Notice—Where the local regulations of a mining district require that the boundaries of a mining claim shall be marked on the ground, and the notice of its location posted before it is recorded, priority as to the right of possession under conflicting locations is determined in accordance with the priority of marking the boundaries and posting the notice of the respective locations; and the location having the priority as to such acts will prevail over another location, although the notice of the latter was recorded prior to the marking of the boundaries and posting of the notice of the former. *Gregory, et sq., vs. Pershbaker and M. Gold Min. Co.*, 73 Cal., 109; July 12, 1887.

## PLACER MINES.

The location of a placer mining claim is valid notwithstanding no valuable mineral had been actually discovered in the land before the location was made. *Ib.*

## RELOCATION.

Re-location — Performance of Labor—The failure of a locator of a mining claim to perform the amount of labor required by the laws of the United States, subjects the claim to re-location, and a peaceable entry in good faith may be made for the purpose, although the claim is occupied by the original locator. *Du Prat vs. James*, 65 Cal., 555; August 28, 1884.

## DIVERGENCE OF END LINE.

Where the north end line of one quartz mining claim is identical with the south end line of an adjoining claim, at a place where the ledge crosses from the ground of one into the other, and such end lines at another place diverge, the owners of the claims have the entire ownership of the ledge enclosed within their extreme end lines, with the exclusive right to follow its dips and angles laterally; and may, as against a subsequent locator, agree between themselves as to the right to work the portion of the ledge included within the piece of ground formed by the divergence of their end lines. *Champion Mining Co. vs. Con. Wyoming G. Mining Co.*, 75 Cal., 78; Jan. 31, 1888.

## RELOCATION.

Relocation—Resumption of Work. Posting of Notice, Marking Boundaries--Where a mining claim has become a subject to relocation the resumption of work thereon by the original locator, after a notice of relocation has been posted thereon, but before the relocater has marked the boundaries of his location, is sufficient, under Section 2324 of the United States Revised Statutes, to prevent the original location from lapsing. *Pharis vs. Muldoon*, 75 Cal., 284; March 20, 1888.

## BOUNDARY LINES.

Boundary lines need not be parallel. The U. S. Circuit Court held in the *Eureka* case, 4 Sawy; 302, that, the provision of the Statute of 1872, requiring the lines of each claim to be parallel to each other, is merely directory, and no consequence is attached to a deviation from its direction." Cited and followed in *Horswell vs. Ruiz*, 67 Cal., 111; June 3, 1885.

## DESCRIPTION.

Erroneous Description—An erroneous statement in a notice of location of mining claim as to the quarter section in which the claim is situated, will not invalidate the notice, if the remaining portions of the description sufficiently identify the land.

The description in a notice of location of a mining claim is sufficient if it designate the number of acres claimed and define its boundaries on three sides. *Duryea vs. Boncher*, 67 Cal., 141; June 23, 1885.

## LOCATION AND BOUNDARIES.

Location—The marking of a mining location must be such that the boundaries of the claim can be readily traced, and whether or not the marking conform to this requirement is a question for the jury. *Taylor vs. Middleton*, 67 Cal., 656; Nov. 19, 1885.

## NOTICE, RECORDING OF.

Recording and Filing Notice, Custom. In the absence of a custom requiring it, the recording of a notice of location of a mining claim is not essential to its validity; and even where such a custom prevails, the fact that the notice is recorded before it is posted does not render it invalid. *Thompson vs. Sprag*, 72 Cal. 528; June 14, 1887.



## EXCESSIVE LOCATION.

Excessive Location, Validity of—A location of a mining claim is not invalid because the notice of location claims more land than the locators are entitled to hold. In such case, the location is good for so much as the locator is entitled to hold, and void for the excess only. *Ib.*

## MINORS.

Minors may make locations. Under Section 2319 of the United States Revised Statutes, minors who are citizens of the United States may locate mining claims. *Ib.*

## LOCATION.

Location of Mining Claims—Agreements for Rights of Parties After Dissolution—Trust—Where an agreement providing for the prospecting and location of mining claims for the benefit of all the parties thereto is dissolved by mutual consent, neither of the parties is under any obligation to the others to perfect locations commenced in pursuance of the agreement; and subsequent locations covering the same ground made by some of them are not held in trust for the others. *Page vs. Summers*, 70 Cal., 121; July 12, 1886.

## POSSESSION, RIGHT OF.

Right of Possession—Subsequent Location—A party who is in the prior possession of a piece of ground is entitled to the possession as against a mere intruder, but not as against one who has subsequently located the same in compliance with the mining laws. *Garthe vs. Hart*, 73 Cal., 541; Oct. 6, 1887.

## SALES.

Transfer must be in writing. Under Section 1091 of the Civil Code a transfer of a mining claim must be in writing. *Ib.*

## TOWNSITES.

Mining Claim—Townsite Patent—Quartz Ledge Within Lot—Tunnel Under Lot—An owner of a lot of land under a townsite patent issued by the United States prior to the passage of the act of 1872, regulating the width of quartz mining claims, in which lot a gold quartz ledge was known to exist at the date of the patent, has an absolute title in fee simple to the land not actually included in the quartz ledge; and a third person, for the purpose of working the quartz ledge, has no right, without the consent of the owner, to run a tunnel under the portion of the land not included in the ledge. *Dover vs. Richards*, 73 Cal., 477, Sept. 28, 1887.

## TUNNELS.

Permission to Construct Tunnel—Want of Consideration—A permission to construct such a tunnel, given by the owner of the lot to the person working the quartz ledge, without any consideration therefor, is not binding upon the owner, nor his subsequent grantee. *Ib.*

## PARTITION OF MINING RIGHT.

Partition—Mining Right—Conveyance—Condition—A grant of an undivided interest in a piece of mining ground expressly conditioned that no rights are conveyed, except a mining right upon the premises, vest in the vendee only the right of taking from the land any minerals or ores contained in it to the extent of the interest granted. He does not by virtue of the conveyance become a coparcener, joint tenant, or tenant in common with the vendor in the land itself. His interest is not an estate which can be the subject of an action for partition. *Smith vs. Cooley*, 65 Cal., 46; Feb. 12, 1884.

## BOUNDARIES.

The failure to mark the boundaries of the location is fatal to its validity; and the defect is not cured by the fact that the notice of location gives the section numbers constituting the claim. *Anthony vs. Jillson*, 83 Cal., 296; March 1, 1890.

## CITIZENSHIP.

Citizenship—Right to Acquire Public Mineral Land—One who is not a citizen of the United States and has not declared his intention to become such, cannot make a valid location of public mineral land. So held of one who filed his declaration of intention the day after he attempted to make his location. *Ib.*

## TOWNSITES.

City Lots—Where a townsite patent has been issued, and a deed to a lot thereof has been regularly granted by the town authorities to an individual claiming it, the deed carries to the grantee a perfect title, where no mine has been discovered, and the land was not known to be mineral at the date of the patent; and the discovery of a mine after the execution of the deed, and before the occupancy of the lot for residence or business purposes, will not give the mining claimant the right to the property as against the grantee under the townsite. *McCormick vs. Sutton*, 97 Cal., 373; Feb. 24, 1893.

## TOWNSITE PATENT.

Townsite Patent—Mineral Lands—patent to a townsite conveys a perfect title in fee, except as to such land as was known to contain valuable mines before the issuance of the patent. *McCormick vs. Sutton*, 97 Cal., 373; Feb. 24, 1893.

## WORK ANNUAL.

Annual Work—Mine Remaining Idle—Watchmen—Where a mine is idle the services of a watchman in looking after the property and taking care of the same may constitute work upon the claim sufficient to hold it, if such care was necessary to preserve tunnels, buildings, or any structure erected to work the mine. But if there was only the naked

claim to be looked after, and a watchman was placed there merely to warn prospectors, and thus prevent a relocation, it would not be labor upon the mine in the sense of the statute, *Altoona Q. M. Co. vs. Integral Q. M. Co.*) 114 Cal. 100, Aug. 20th, 1896.

#### POSSESSION.

Possession for five years, and working a mine, is equivalent to a valid location, under Section 2332 of the Revised Statutes of the United States, *Ib.*

#### LOCATION AND BOUNDARIES.

Section 2324 of the United States Revised Statutes provides that the location must be distinctly marked on the ground so that its boundaries can be readily traced," but does not prescribe how it shall be marked; that matter is left to the regulation of the local laws. *Howeth vs. Sullenger*, 113 Cal. 550, July 28th, 1896.

Where a claim is not in a mining district any marking of the boundaries so that they can be readily traced is sufficient; and stakes and stone monuments set at each corner of the claim and in the center of each end line, with one or more notices of location sufficient for identification of the claim, is a compliance with the statute. *Ib.*

#### ABANDONMENT.

The law does not recognize a conditional abandonment, but an abandonment must be regarded as absolute, if existing at all. If the intention to abandon has been formed, and once acted upon, the abandonment is as absolute, if it exists for a moment, as though it continued for years. *Trevaskis vs. Peard*, 111 Cal. 599, March 20th, 1896.

#### RECORDING NOTICE.

It is not necessary in the absence of a custom to the validity of the location of a mining claim that the notice of location should be recorded. *Moore vs. Hamerstag*, 109 Cal. 122, Sept. 12th, 1895.

#### SALES.

Mining Claim Conveyance—A mining claim is real estate, and under the statute of frauds can be transferred only by operation of law or an instrument in writing. *Ib.*

#### TRUSTS.

A parol promise by the person in whose name the location was made to hold it in trust for the actual locator is void under the statute of frauds. *Ib.*

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### U. S. Supreme Court Decisions.

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#### NOTICES.

The recording of notices of location of a mining claim is not required when there is no mining district recorder, and the rules and regulations formerly existing in the district have fallen into disuse and become of no force and effect. *Hans vs. Victoria Copper Min. Co.*, U. S. Sup. Court; Dec. 23, 1895, Vol. 159-162, p. 436.

Mining locations distinctly marked on the ground so that their boundaries can be readily traced are sufficient under U. S. Rev. Stat., Sec. 2324, as against subsequent locators, irrespective of the posting of notices. *Ib.*

#### TOWNSITES.

To except mines or mineral lands from the operation of a townsite patent, it is not sufficient that the lands do in fact contain minerals, or even valuable minerals, when the townsite patent takes effect, if the lands are not known at that time to be valuable for mining purposes. *Dover vs. Richards*, Feb. 5, 1894; Sup. Court. U. S., Vol. 159-162, 305.



## Extracts from the Codes.

### CIVIL CODE.

#### Consolidation of mining corporations.

Sec. 361. It shall be lawful for two or more corporations formed, or that may hereafter be formed, under the laws of this state, for mining purposes, which own or possess mining claims or lands adjoining each other, or lying in the same vicinity, to consolidate their capital stock, debts, property, assets, and franchises in such manner, and upon such terms as may be agreed upon by the respective boards of directors or trustees of such companies so desiring to consolidate their interests; but no such consolidation shall take place without the written consent of the stockholders representing two-thirds of the capital stock of each company; and no such consolidation shall in any way relieve such companies, or the stockholders thereof, from any and all just liabilities; and in case of such consolidation, due notice of the same shall be given by advertising for one month in at least one newspaper in the county and state where the said mining property is situated, if there be one published therein, and also in one newspaper published in the county, or city and county, where the principal place of business of any of said companies shall be. And when the said consolidation is completed, a certificate thereof, containing the manner and terms of said consolidation, shall be filed in the office of the county clerk of the county in which the original certificate of incorporation of any of said companies shall be filed, and a copy thereof shall be filed in the office of the secretary of state. Such certificate shall be signed by a majority of each board of trustees or directors of the original companies; and it shall be their duty to call, within thirty days after the filing of such certificate, and after at least ten days' public notice, a meeting of the stockholders of all of said companies so consolidated, to elect a board of trustees or directors for the consolidated company for the year thence next ensuing. The said certificate shall also contain all the requirements prescribed by section two hundred and ninety of said Civil Code.

(New section, approved March 20, 1876; Amendments 1875-6, 75; took effect from passage.)

### MINING CORPORATIONS.

#### Removal of place of business.

584. Repealed by act of April 3, 1876; Amendments 1875-6, 73; took effect immediately.

Directors to file certificate of proceedings in offices of county clerks and secretary of state.

Sec. 585. When the publication provided for in the preceding section has been completed, the directors of the corporation must file in the offices of the clerks of the counties from and to which such change has been made, and in the office of the secretary of state, certified copies of the written consent of the stockholders to such change, and of the notice of such change, and proof of publication; also a certificate that the proposed removal has taken place; and thereafter the principal place of business of the corporation is at the place to which it is removed.

#### Transfer agencies.

Sec. 586. Any corporation organized in this State for the purpose of mining, or carrying on mining operations in or without this State, may establish and maintain agencies in other States of the United States, for the transfer and issuing of their stock; and a transfer or issue of the same at any such transfer agency, in accordance with the provisions of its by-laws, is valid and binding as fully and effectually for all purposes as if made upon the books of such corporation at its principal office within this State. The agencies must be governed by the by-laws and the directors of the corporation.

#### Stock issued at transfer agencies.

Sec. 587. All stock of any such corporation, issued at a transfer agency, must be signed by the president and secretary of the corporation, and countersigned at the time of its issue by the agent having charge of the transfer agency.

No stock must be issued at a transfer agency unless the certificate of stock, in lieu of which the same is issued, is at the same time surrendered for cancellation.

#### Fixtures attached to mines.

Sec. 661. Sluice-boxes, flumes, hose, pipes, railway tracks, cars, blacksmith shops, mills, and all other machinery or tools used in working or developing the mine, are to be deemed affixed to the mine.

### CODE OF CIVIL PROCEDURE.

#### Mining Claims—Action governed by local rules.

Sec. 748. In actions respecting mining claims, proof must be admitted of the customs, usages or regulations established and in force at the bar or diggings embracing such claim; and such customs, usages or regulations, when not in conflict with the laws of this State, must govern the decision of the action.



## CIVIL CODE.

## TITLE IX.—HYDRAULIC MINING.

1424. The business of hydraulic mining may be carried on within the State of California wherever and whenever the same can be carried on without material injury to the navigable streams, or the lands adjacent thereto.

1425. Hydraulic mining, within the meaning of this title, is mining by means of the application of water, under pressure, through a nozzle, against a natural bank.

(In effect sixty days from March 24, 1893.)

## SUMMARY SALES OF MINES AND MINING INTERESTS.

Mines may be sold how.

See, 1529. When it appears from the inventory of the estate of any decedent that his estate consists in whole or in part of mines, or interests in mines, such mines or interests may be sold under order of the Court having jurisdiction of the estate, as hereinafter provided.

Petition for sale, who may file and what to contain.

Sec. 1530. The executor or administrator, or any heir at law, or creditor of the estate, or any partner or member or any mining company, in which interests or shares are held or owned by the estate may file in the court a petition, in writing, setting forth the general facts of the estate being then in due course of administration, and particularly describing the mine, interest, or shares which it is desired to sell, and particularly the condition and situation of the mines or mining interests, or of the mining company in which such interests or shares are held, and the ground upon which the sale is asked to be made.

Order to show cause, how made and on what notice.

Sec. 1531. Upon the presentation of such petition, the court, or a judge thereof, must make an order directing all persons interested to appear before such court, at a time and place specified, not less than four or more than ten weeks from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell such mine, mining interests, shares, or stocks, as are set forth in the petition and belonging to the estate. A copy of the order to show cause must be personally served on all persons interested in the estate, at least ten days before the time appointed for hearing the petition, or published at least four successive weeks in such newspaper as such court or judge shall specify. If all persons interested in the estate signify in writing their assent to such sale, the notice may be dispensed with.

Order of sale, when and how made.

Sec. 1532. If, upon hearing the petition, it appears to the satisfaction of the court

that it is to the interest of the estate that such mining property or interests of the estate should be sold, or that an immediate sale is necessary in order to secure the just rights or interests of the mining partners, or tenants in common, such court must make an order authorizing the executor or administrator to sell such mining interests, mines, or shares, as hereinafter provided.

Further proceedings to conform to Articles II and IV.

Sec. 1533. After the order of sale is made, all further proceedings for the sale of such mining property, and for the notice, report, and confirmation thereof, must be in conformity with the provisions of Article IV. of this chapter.

## CHAPTER IV.

## MINING PARTNERSHIPS.

When a mining partnership exists.

Sec. 2511. A mining partnership exists when two or more persons who own or acquire a mining claim for the purpose of working it and extracting the mineral therefrom actually engage in working the same.

Express agreements not necessary to constitute.

Sec. 2512. An express agreement to become partners or share the profits and losses of mining is not necessary to the formation or existence of a mining partnership. The relation arises from the ownership of shares or interest in the mine, and working the same for the purpose of extracting the minerals therefrom.

Profits and losses, how shared.

Sec. 2513. A member of a mining partnership shares in the profits and losses thereof in the proportion which the interest or share he owns in the mine bears to the whole partnership capital or whole number of shares.

Lien of partners.

Sec. 2514. Each member of a mining partnership has a lien on the partnership property for the debts due the creditors thereof, and for money advanced by him for its use. This lien exists, notwithstanding there is an agreement among the partners that it must not.

Mine, partnership property.

Sec. 2515. The mining ground owned and worked by partners in mining, whether purchased with partnership funds or not, is partnership property.

Partnership not dissolved by sale of interest.

Sec. 2516. One of the partners in a mining partnership may convey his interest in the mine and business without dissolving the partnership. The purchaser, from the date of his purchase, becomes a member of the partnership.

Purchaser takes subject to liens, unless, etc.

Sec. 2517. A purchaser of an interest in the mining ground of a mining part-



nership takes it subject to the liens existing in favor of the partners for debts due all creditors thereof, or advances made for the benefit of the partnership, unless he purchased in good faith, for a valuable consideration without notice of such lien.

Takes with notice of lien, when.

Sec. 2518. A purchaser of the interest of a partner in a mine when the partnership is engaged in working it takes the notice of all liens resulting from the relation of the partners to each other and to the creditors of the partnership. Contract in writing, when binding.

Sec. 2519. No member of a mining partnership or other agent or manager thereof can, by a contract in writing, bind the partnership, except by express authority derived from the members thereof. Owners of majority of shares govern.

Sec. 2520. The decision of the members owning a majority of the shares or interest in a mining partnership binds it in the conduct of its business.

### MORTGAGE OF PERSONAL PROPERTY.

What personal property may be mortgaged.

Sec. 2955. Mortgages may be made upon:

1. Locomotives, engines, and other rolling stock of a railroad.
2. Steamboat machinery, the machinery used by machinists, foundrymen, and mechanics.
3. Steam engines and boilers.
4. Mining machinery.
5. Printing presses and material.
6. Professional libraries.
7. Instruments of a surveyor, physician or dentist.
8. Upholstery and furniture used in hotels, lodging or boarding houses, when mortgaged to secure the purchase money of the articles mortgaged.
9. Growing crops.
10. Vessels of more than five tons burden.
11. Instruments, negatives, furniture, and fixtures of a photograph gallery.
12. The machinery, casks, pipes, tubes, and utensils used in the manufacture of wine, fruit brandy, and fruit syrup, or sugar.

### ATT'Y.-GEN. FITZGERALD'S

Opinion of the New State Location Law of March 27, 1897.

"I am in receipt of your favor of recent date, inclosing a clipping from the Los Angeles Times, relative to the new mining law enacted by our last legislature, and suggesting that there is a conflict between such portions of that law as require a certain amount of assessment work upon mines located under the Fed-

eral laws relative to the same subject, and in which you request my opinion as to whether or not such a conflict exists.

"By sec. 2324 of the Revised Statutes of the United States, it is required that not less than one hundred dollars' worth of labor 'shall be performed or improvements made during each year' upon each claim located after the 10th day of May, 1872, and until a patent has been issued for such a claim. By the provisions of sec. 3 of 'an act prescribing the manner of locating mining claims upon the public domain of the United States,' etc., approved March 27, 1897 (Stats., 1897, 214 et seq.,) it is provided, among other things, that 'within sixty days from the date of discovery of a vein or lode, the discoverer must perform fifty dollars' worth of labor in developing his discovery,' and by sec. 5 of 'the same act it is provided that the performance of such labor shall be deemed a necessary act in completing such location, and a part thereof, and no part thereof shall inure to the benefit of any subsequent location.'

"It will thus be seen that there is an attempt on the part of the State to require at least fifty dollars' worth of the location work to be done within a time less than that prescribed for the doing of the location work by the Federal statute. In the case of the Original Co. of the W. & K., etc., vs. the Winthrop Mining Company (60 Cal., 631-2,) the opinion of the Supreme Court of this state is as follows:

" 'We think that the court erred in charging the jury that a locator of a mining claim must not only observe the law of congress, which requires that 'ten dollars' worth of labor shall be performed or improvements made each year for each one hundred feet in length along the veins until a patent shall have been issued therefor,' but also the local regulation of the miners 'that work shall be done every sixty days in the claim.'

" 'According to the law of Congress, a locator would forfeit his claim if he did not each year perform work or make improvements of the value of ten dollars for each hundred feet of the vein. But by the local regulations he would forfeit it if he did not perform some work on it every sixty days. It seems to us that there is a clear conflict between the law and the regulations. And if there is, it is conceded that the law must prevail.'

"I am of the opinion that the restriction attempted by the state mining law of 1897, above quoted, is of a character similar to the restriction attempted by the local regulations, which were held in the case cited to be in conflict with the Federal laws. I am therefore of the opinion that the requirements of our statute as to the time within which assessment work must be done conflicts with the provisions of the Revised Statutes of the United States above referred to."



## THE NEW MINING LAW.

## Miners Have a Right to Adopt Non-Conflicting Rules.

A question having arisen as to the constitutionality of the law of March 27, 1897, regarding the manner of recording mining claims, the opinion of J. F. Cowdery, the well known San Francisco lawyer, was asked on the point. In reply he said:

"Notwithstanding the act of March 27, 1897, I think the miners of a district have a right to meet and adopt rules and regulations not in conflict with the State law and the laws of the United States. They may add to the State law a rule that notice of location shall state whether the lines of the location are parallel to or abut upon a claim already located; the character of the ledge, or in case of placers whether the claim is in a river, on a flat, or on a seashore and the like.

"As to the place where a notice is to be recorded, I think the miners of a district have no right to require a notice to be recorded at any place other than the County Recorder's office nor by any other person than the County Recorder; and this because the United States mining law permits the miners of a district to make laws not in conflict with the laws of the State or Territory where the mine is situated. The State by the acts of March 31, 1891, Stats., page 219, and the act of 1897, has directed the aforesaid notices to be recorded in the County Recorder's office, and that direction is final.

"If I lived in a mining district I would advocate the holding of a miners' meeting and I would also advocate the passage of a resolution abolishing the office of district recorder and requiring all locations to conform to the California law of March 27, 1897.

"If this is not done a locator may (in contested cases) have trouble in proving his location, or, if he applies for a United States patent for his mine, he may have trouble.

"I think the legislature had a right to anticipate that miners would do substantially as above indicated and that district recorders would turn over their books of record to the County Recorder.

"Section 74 of our penal code provides that every person who intrudes himself into a public office is guilty of a misdemeanor, and Section 76 says that 'Every officer whose office is abolished by law, who withholds or detains from his successor the records of his office is guilty of a felony.'

"I am inclined to the opinion that the office of recorder for a mining district was abolished by the act of 1897, and that a recorder under the old law will be liable if he refuses to obey the new."

## MINERAL PRODUCTION OF CALIFORNIA FOR 1896.

Condensed From Bulletin No. 12 of the State Mining Bureau—Gold and Silver, &c., by Counties.

Alameda, 318 tons manganese, value, \$3415; Alpine, gold, \$400; Amador, gold, \$1,523,351; silver, \$3,767; copper, \$3000; coal, \$29,662; marble, \$5415; pottery, \$27,825. Butte—Gold, \$749,316; silver, \$5389. Calaveras—Gold, \$1,546,398; silver, \$500; copper, \$8990. Colusa—Quicksilver, \$2054. Contra Costa—Coal, \$118,709. Del Norte—Gold, \$24,150. El Dorado—Gold, \$812,289; gypsum, \$400; petroleum, \$56,750. Humboldt—Gold, \$65,092; rubble, \$233,454. Inyo—Gold, \$238,507; silver, \$108,619; lead, \$36,600; borax, \$24,900; soda, \$65,000; marble, \$24,000. Kern—Gold, \$590,866; silver, \$34,649; antimony, \$2250; asphaltum, \$44,680; petroleum, \$235. Lake—Quicksilver, \$2,321,484. Lassen—Gold, \$40,300. Los Angeles—Gold, \$35,468; gypsum, \$9180; petroleum, \$812,800; serpentine, \$6000. Madera—Gold, \$104,339; silver, \$1240. Mariposa—Gold, \$335,637; silver, \$180. Merced—Gold, \$1250. Mono—Gold, \$451,553; silver, \$82,283; lead, \$2205; onyx, \$24,000. Napa—Quicksilver, \$403,031; magnesite, \$11,000. Nevada—Gold, \$2,380,756; silver, \$8584; copper, \$2820. Placer—Gold, \$1,674,844; silver, \$6690. Plumas—Gold, \$462,526; silver, \$83. Riverside—Gold, \$262,800; silver, \$13,450; coal, \$9964; salt, \$8634. Sacramento—Gold, \$133,050. San Benito—Quicksilver, \$46,725; antimony, \$70; gypsum, \$3000. San Bernardino—Gold, \$96,722; silver, \$130,714; borax, \$650,500; salt, \$15,000; marble, \$3000. San Diego—Gold, \$560,578; silver, \$40; salt, \$4800. San Joaquin—Natural gas, \$85,157. San Luis Obispo—Gold, \$3000; chrome, \$2000; quicksilver, \$3400; bituminous rock, \$109,536. San Mateo—Petroleum, \$1250. Santa Barbara—Gold, \$8592; platinum, \$44; asphaltum, \$317,910; petroleum, \$35,813. Santa Clara—Quicksilver, \$211,570; natural gas, \$1300; petroleum, \$1145. Santa Cruz—Bituminous rock, \$109,536. Shasta—Gold, \$599,209; silver, \$24,233; copper, \$184,708. Sierra—Gold, 786,174; silver, \$423. Siskiyou—Gold, \$1,091,264; silver, \$652. Sonoma—Quicksilver, \$37,150. Stanislaus—Gold, \$16,635. Tehama—Chrome, \$475. Trinity—Gold, \$1,296,330; quicksilver, \$139,035. Tuolumne—Gold, \$1,070,141; silver, \$328. Tulare—Gold, \$20,092. Ventura—Sandstone, \$20,000. Yuba—Gold, \$171,687.

Totals—Gold, \$17,181,562; silver, \$422,463; quicksilver, \$1,075,449; copper, \$199,518; lead, \$38,805; antimony, \$2320; chrome, \$7775; manganese, \$3415; platinum, \$944.



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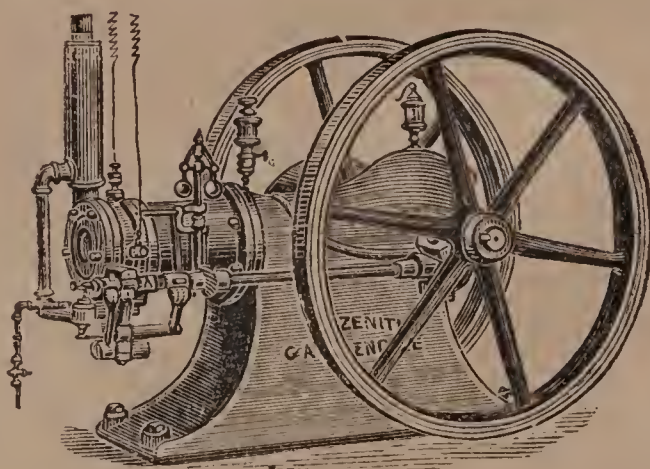
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